H.R. 2161

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES.

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended by Public Law 104–17, is amended by striking "August 15, 1995," and inserting "October 1, 1995,".

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to August 16, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2161 temporarily extends the Middle East Peace Facilitation Act of 1994, which otherwise will expire on August 15, 1995.

That act was previously extended by Public Law 104–17, which we passed in June. H.R. 2161 extends the Act until October 1, 1995, and further provides that the consultations with the Congress that took place in June prior to the President's last exercise of the authority provided by the Act will suffice for purposes of a further exercise of that authority prior to August 16.

In consultation with our Senate colleagues, we have decided to extend the Middle East Peace Facilitation Act only through October 1 because we hope to complete action by that date on legislation that will include a longer term extension of the authorities of the act, along with strengthened requirements for compliance with commitments that were voluntarily assumed.

I urge my colleagues to agree to the adoption of H.R. 2161.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I wish to inquire of the distinguished majority leader the schedule for the rest of the evening.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are about to begin debate on the rule for the Telco bill. There will be a vote on the rule in about an hour. After that vote, which should be the last vote of the evening, we will do the general debate on Telco for about 90 minutes. We will then consider a Bliley amendment for 30 minutes, a Stupak amendment for 10 minutes, and a Cox amendment for 20 minutes, and all those votes will be rolled until tomorrow morning. So all Members should be alert for a vote in about an hour, and those Members who are interested in being involved in the general debate on Telco or those amendments mentioned should be prepared to continue working on the floor until we complete that work.

Mr. GEPHARDT. Mr. Speaker, what bill will be up in the morning at what time?

Mr. ARMEY. In the morning when we reconvene, we will reconvene on Labor-HHS, and hope to finish that bill tomorrow.

PROVIDING FOR CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 207 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 207

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided among and controlled by the chairmen and ranking minority members of the Committee on Commerce and the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI and section 302(f) of the Congressional Budget Act of 1974 are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. No further amendment shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules are waived. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 1555, it shall be in order to take from the Speaker's table the bill S. 652 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1555 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 652 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 207 is a modified closed rule providing for the consideration of H.R. 1555, the Communications Act of 1995, and allowing 90 minutes of general debate to be equally divided between the chairman and ranking minority member of the Commerce and Judiciary Committees. The rule waives section 302(f) of the Budget Act against consideration of the bill. The rule also makes in order as an original bill for

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the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Commerce and provides that the amendment be considered as read. House Resolution 207 also waives clause 5(a) of rule XXI—prohibiting appropriation in an authorization bill—and section 302(f) of the Budget Act—against the committee amendment in the nature of a substitute.

House Resolution 207 provides first for the consideration of the amendment printed in Part 1 of the Rules Committee report. This amendment, which will be offered by Commerce Committee Chairman BLILEY, is debatable for 30 minutes, equally divided between a proponent and an opponent, and provides that the amendment be considered as read. The manager's amendment shall not be subject to amendment or to a demand for a division of the question in the House or the Committee of the whole.

After general debate and the consideration of the manger's amendment, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. House Resolution 207 makes in order only the amendments printed in part 2 of the Rules Committee report in the order specified, by the Members designated in the report, debatable for the time specified in the report to be equally divided between a proponent and an opponent of the amendment.

The rule waives all points of order against amendments printed in the report, and provides that these amendments shall not be subject to division of the question in the House or Committee of the Whole nor subject to amendment unless otherwise specified in the report.

This rule allows the chair to postpone votes in the Committee of the Whole and reduce votes to 5 minutes, if those votes follow a 15-minute vote. Finally, this resolution provides one motion to recommit, with or without instructions, as in the right of the minority.

Following final passage of H.R. 1555, the rule provides for the immediate consideration of S. 652 and waives all points of order against the bill. The rule allows for a motion to strike all after the enacting clause of S. 652 and insert H.R. 1555 as passed by the House and waives all points of order against that motion. Finally, it is in order for the House to insist on its amendments to S. 652 and request a conference with the Senate.

I would also ask for unanimous consent to add any extraneous materials for inclusion in the CONGRESSIONAL RECORD.

Mr. Speaker, H.R. 1555 is a complex piece of legislation, and the final product that passes the House has been designed to ensure that the United States maintains the lead on the information superhighway as we move into the 21st century. The House has worked to create a balanced bill which equalizes the diverse competitive forces in the telecommunications industry. The complexity and balance of this legislation requires a structured rule, because it is conceivable that a simply constructed amendment would attract enough votes, on the face of it, to upset the balance of the bill.

Let me take this opportunity to commend the diligent work of Chairman BLILEY, Chairman FIELDS, and Chairman HYDE, and also recognize ranking minority members JOHN DINGELL and JOHN CONYERS, for their service in guiding this fair balanced legislation to the House floor.

The overriding goal of telecommunication reform legislation must be to encourage the competition that will produce innovative technologies for every American household and provide benefits to the American consumer in the form of lower prices and enhanced services. The House Telecommunications bill will promote competition in the market for local telephone service by requiring local telephone companies to offer competitors access to parts of their networks, drive competition in the multichannel video market by empowering telephone companies to provide video programming, and maintain and encourage the competitiveness of over the air broadcast stations. The American people will be amazed by the wide array of technological changes that will soon be available in their homes.

The massive barriers to competition and the restrictions that were necessary less than a decade ago to protect segments of the U.S. economy have served their purpose. We have achieved great advances and lead the world in telecommunications services. However, productive societies strengthen and nourish the spirit of innovation and competition, and I believe that H.R. 1555 will provide customers with more choices in new products and result in tremendous benefits to all consumers.

In order to achieve further balance and deregulation in H.R. 1555, the rule will allow the House an opportunity to debate a manager's amendment to be offered by Commerce Committee Chairman BLILEY. This amendment represents a compromise that will accelerate the transition to a fully competitive telecommunications marketplace. This amendment is not a part of the base text, it will be debated thoroughly, and it will be judged by a vote on the floor of the House.

Following the consideration of the manager's amendment, the rule allows for the consideration of a number of divisive amendments that focus on cable television price controls, re-regulating cable broadcast ownership, and provisions for regulation of violence and gratuitous sexual images on local television that may be constrained by technology.

The Rules Committee has made seven amendments in order in part 2 of the Rules report, including five minority amendments, a bipartisan amendment, and one majority amendment. A number of the amendments offered to the Rules Committee were duplicative, some were withdrawn and some were incorporated into the manager's amendment. In addition, some amendments have already been included in the Senate bill, and it is important to note that there will be room for negotiation in conference.

The rule makes in order an amendment—to be debated for 20 minutes—offered by Representatives COX and WYDEN which would ensure that online service providers who take steps to clean up the Internet are not subject to additional liability for being Good Samaritans. The rule also makes in order an amendment—to be debated for 10 minutes—offered by Representative STUPAK which involves local governments and charges for public rights of way.

The rule also allows for an amendment offered by the ranking minority member of the Judiciary Committee, Mr. CONYERS, which would enhance the role of the Justice Department with regard to the Bell Companies applying for authorization to enter currently prohibited lines of business. The chairmen of the Commerce and Judiciary Committees have worked diligently to reconcile this issue, and it was decided that the Department of Justice should receive a consultative role. Nonetheless, the rule permits Members the opportunity to vote on this measure.

We have also been extremely responsive to the requests of the ranking minority member of the Commerce Subcommittee on Telecommunications and Finance, Mr. MARKEY, by allowing all three of the amendments he requested. Mr. MARKEY has a different, more regulatory view of the future of the telecommunications industry, and he has been afforded every opportunity to revise the bill by offering three rather controversial amendments. The first amendment—to be debated for 30 minutes—would amend the bill by changing the standard for unreasonable rates and imposing rate controls on the cable industry. While the goal of this legislation is to reduce regulations, the rule will reverse the deregulatory cable provisions in H.R. 1555.

The second amendment—to be considered for 30 minutes—would retain the current broadcast cable ownership rule and scale back the audience reach cap in H.R. 1555 from 50 to 35 percent. While I believe that this amendment would selectively weaken the broadcast deregulation provisions in the bill, this is an issue that concerns many Members of this House and deserves a full and open debate.

There will be a substantive debate over provisions for regulating certain violent and sexual images on television through technological constraints. While there is evidence that the increasing amount of violent and sexual content on television has an adverse

impact on our society and especially children, the House has two options to consider in this debate. Mr. MARKEY has been granted the opportunity to offer an amendment requiring the establishment of a television rating code and the manufacture of certain televisions, which many fear will require a government-controlled rating system. The House will also have the opportunity to vote for a substitute offered by Representative COBURN that utilizes a private industry approach that does not impose strict, Washington-based mandates which raise difficult first amendment questions.

Mr. Speaker, I believe that this legislation will be remembered as the most deregulatory legislation in history. The goal of this legislation is to create wide open competition between the various telecommunications industries, and this legislation in its final form will undoubtedly encourage a new era of opportunity for every company involved in the telecommunications industry and many companies heretofore unheard of.

Those nations that have achieved the most impressive growth in the past have not been those with rigid government controls, nor those that are the most affluent in natural resources. The most extraordinary development has come in those nations that have put their trust in the power and potential of the marketplace. This bill states that government authority and mandates are not beneficial to economic development, and it will help assure this Nation's prosperity well into the 21st century.

The resolution that was favorably reported out of the Rules Committee is a fair rule that will allow for thorough consideration on a number of amendments. I urge my colleagues to support the rule so that we may proceed with consideration of the merits of this extraordinarily important legislation.

Mr. Speaker, I include the following information for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of August 2, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	41	72
Modified Closed[3]	49	47	14	24
Closed[4]	9	9	2	4
Totals:	104	100	57	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of August 2, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of August 2, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 233–104 (8/2/95)

Codes. O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

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Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we oppose this modified closed rule for the consideration of this landmark deregulatory telecommunications legislation for several reasons.

First, there is no legitimate need—there is no compelling reaon—for us to consider H.R. 1555, during one of the busiest weeks we have experienced this year. There is absolutely no urgency at all attached to the passage of this bill before we adjourn.

Quite simply, we ought not to be debating this rule and this bill tonight. There are many more good reasons to put this legislation over until our return in September than there are for taking it up now.

Debating landmark legislation, which completely rewrites our existing communications laws, in the dead of night, squeezed carefully between major appropriations bills that should have first priority, is outrageous on its face.

We feel strongly that a bill with the enormous economic, political, and cultural consequences for the Nation as does H.R. 1555, should receive far more time for consideration than this bill will be allowed.

Second, there is not enough time allowed to properly consider the several very major amendments that have been made in order. For example, we shall have only 30 minutes to consider the Markey-Shays amendment to increase cable consumer protection in H.R. 1555, an amendment which seeks to guard consumers against unfair monopolistic pricing.

The sponsors of the amendment testified that H.R. 1555, as written, completely unravels the protections that cable consumers currently enjoy, and that their amendment is needed to ensure that competition exists before all regulation is eliminated. This is a very substantive amendment, dealing with an industry that affects the great majority of Americans. It certainly deserves more time for serious debate then we are giving it tonight.

Mr. Speaker, perhaps the most troubling part of the bill is its treatment of media ownership, and its promotion of mergers and concentration of power. The bill would remove all limits on the number of radio stations a single company could own, and would raise the ceiling on the number of television households a single broadcaster is allowed to serve.

It would also remove longstanding restrictions that have prevented television broadcasters from owning radio stations, newspapers, and cable systems in the same market.

Thus Mr. MARKEY'S amendment limiting the number of television stations that one media company could reach to 35 percent of the Nation's households, and prohibiting a broadcaster from owning a cable system in a market where it owns a television station, is especially important—and, since it could lead to a single person or a single company's owning an enormous number of television stations or media outlets in the country, this is an issue too that deserves far more than the 30 minutes the rule allows for it to be discussed and debated.

As the New York Times editorialized today, the bill "would for the first time allow a single company to buy a community's newspaper, cable service, television station and, in rural areas, its telephone company. It threatens to hand over to one company control of the community's source of news and entertainment."

Finally, Mr. Speaker, we also oppose the rule because it does not allow Members to address all the major questions that should be involved in this debate. This rule limits to 6, the number of amendments that may be offered.

We fully understand and respect the need to structure the rule for this enormously complex and technical bill; but we do believe that, in limiting the time devoted to this bill, the majority incorrectly prevented the consideration of significant amendments that address legitimate questions.

When the Rules Committee met late yesterday on this rule, we sought to make those amendments in order. I would add that we did not seek to make every one of the 30 to 40 amendments submitted in order—as I have already mentioned, we understand the need to structure this rule.

But the committee defeated, by a bipartisan vote of 5 to 6, our request to make in order the amendment submitted by Mr. MORAN that prohibits the FCC from undertaking the rulemaking that could preempt local governments from regulating the construction of cellular towers. The Members of the House should have the opportunity to vote on this amendment—and Mr. MORAN deserves to have the opportunity to offer it.

The amendment addresses the very important concerns of localities who believe this issue is properly within the jurisdiction of local zoning laws. It is endorsed by the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the American Planning Association. Many local jurisdictions have contacted us this week in favor of this amendment, and we feel the committee made a mistake, Mr. Speaker, by not allowing it to be discussed on the floor.

We attempted unsuccessfully to make in order the amendment offered by the gentleman from Texas [Mr. HALL], eliminating the ban on joint marketing of long distance service and Bell operating company-supplied local exchange service. Mr. HALL deserves time to explain his amendment and let the Members decide for themselves whose interests are best served by his amendment.

The majority also denied making in order the Orton-Morella affordable access amendment, which adds affordability to the requirement for preserving access for elementary and secondary students to the information highway.

The amendment is strongly supported by education agencies and organizations, and we feel that the sponsors deserved the chance to present their arguments for the amendment to the House. We should not have acquiesced to the arguments of industry representatives that these affordable access requirements should not be debated because the implications are not known. That is why we have debates—so that both sides can explain their position. Unfortunately, in these cases, we were able to hear only one side.

So, Mr. Speaker, we believe our Members have legitimate amendments that should have been made in order by this rule, and we regret the decision to shut them out of this important debate.

With respect to the amendments that were made in order, Mr. Speaker, we are very disturbed that the commitment to ensure a vote on Mr. MARKEY'S V-chip amendment was not properly honored. While his amendment is in order, the Coburn substitute, which is much weaker, will be voted on first; if it is adopted, Mr. MARKEY is denied the right to have an up or down vote on his very important amendment.

Members should be allowed a clean vote on the Markey amendment, which is by far the stronger of the two. Whether or not parents are given the ability to block violent television shows so their young children cannot watch them is an important issue, and we should not allow the vote to be represented as something it is not. The rule is very unfair in that respect.

Mr. Speaker, H.R. 1555 is a very complex piece of legislation; very few Members understand the implications of this bill, and I would suggest that we might very well come to regret its consideration in this hurried and inadequate manner.

We all know that changes need to be made in our 60 year old communications law. But we should be concerned about the process under which this bill is being brought to the floor tonight. Not only has a manager's amendment been developed out of the public's eye, but it was done after the committee with jurisdiction overwhelmingly reported quite a different bill.

We should all be concerned about the process under which a bill with huge economic consequences and implications for consumers and business interests is being rushed through the House. The testimony of over 40 Members before the Rules Committee demonstrates the complexities involved in this legislation.

Mr. Speaker, we hope that the final version of this bill does balance the introduction of competitive markets, with measures designed to protect consumers. We have heard from all sides involved, and every industry has valid points to make. I do hope, however, that we do not lose sight of the consumer in this process, and of the need to protect the people from potential monopoly abuses.

Mr. Speaker, we oppose the rule—not only because it is restrictive, but because it does not go far enough in ensuring that enough time is given to this important debate, and because it does not protect the right of Members to offer amendments pertaining to all of the major issues of this very complicated piece of legislation.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me just say to the gentleman from California [Mr. BEILENSON] I really am surprised at his testimony here. As my colleague knows, first of all we have 8-½ hours allocated for this piece of legislation. We extended that for another hour to take into consideration the gentleman from Michigan [Mr. CONYERS], our good friend, because he is a ranking Member, and he was entitled to his major amendment.

Mr. BEILENSON. Of course he was.

Mr. SOLOMON. Now we expanded it for 1 hour. That meant we were spending 9½ hours on this bill. It puts us here until 2:30 in the morning today, and many of us will stay here while many of our colleagues leave, and we will finish that part of the bill.

Now, if we had made in order all of those amendments that the gentleman just read off, we would be 19 hours. I figured out the time, 19 hours.

Now the gentleman knows we are going to be here until 6 o'clock in the morning tomorrow night and into Friday, and my colleague and other Members have asked me from the gentleman's side of the aisle to tighten things down, let us take care of the major amendments. We negotiated with the majority, we negotiated with the gentleman from Michigan [Mr. DINGELL], we negotiated with the gentleman's Democratic leadership. Everyone was happy, and all of a sudden we come on this floor here now and nobody is happy.

□ 2400

Let us stick to our points. If we make a deal upstairs in the Rules Committee, let us live by it.●

Mr. LINDER. Mr. Speaker, I would like to inquire as to how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from Georgia [Mr. LINDER] has 17½ minutes remaining and the gentleman from California [Mr. BEILENSON] has 22½ minutes remaining.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I regret that I will have a different view than my good friend the gentleman from Texas [Mr. BEILENSON]. I rise in support of this rule. It makes in order the key amendments that the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Michigan [Mr. CONYERS] and others have asked for.

Mr. Speaker, I also would have liked to have seen more debate on these amendments, but, on balanced, I think it is a fair rule and I urge my colleagues to support it.

If we are going to make technology work for our economy and for our country, and especially for our families, our laws have to keep pace with the changing times, and I believe the bill before us today will help bring this country into the 21st century. From the beginning, Mr. Speaker, telecommunication reform has been about one thing, it has been about competition.

We all know the more competition we have will lead to better products, better prices, better services and the better use of technology for everybody. Above all, competition helps create more jobs and better jobs for our economy. Studies show that this bill will help create 3.4 million additional jobs over the next 10 years and lay the groundwork for technology that will help to create millions more.

Let us be honest, Mr. Speaker, this is not a perfect bill before us today. There are lots of improvements that can be made, and I want to suggest a couple of them to you tonight.

First, we have an important amendment on the V-chip. Studies tell us that by the time the average child finishes elementary school he or she will have seen 8,000 murders and 100,000 acts of violence on the television. Most parents do all they can to keep their kids away from violent programming, but in this age of two-job parents and 200 channel televisions, parents need some help. Fortunately, we do have technology today that will help. The V-chip is a small computer chip that, for about 17 cents, can be inserted into a TV set and it allows the parents to block out violent programming.

This V-chip, Mr. Speaker, is based on some very simple principles: That parents raise children, not government, not advertisers, and not network executives, and parents should be the ones to choose what kinds of shows come into their homes.

Second, I believe we should do all we can to keep our airwaves from falling into the hands of the wealthy and the powerful. Current law limits the number of television stations, one per person or media company can reach, to 25 percent of the Nation's households. That rule was established to promote the free exchange of diverse views and ideas. The bill before us today, however, would literally allow one person, in any given area, to own two television stations, unlimited number of radio stations, the local newspaper and local cable systems. Instead of the 25 percent limit under this bill, Rupert Murdock could literally own media outlets that reach to over half of America's households, Mr. Speaker. In other words, this bill allows Mr. Murdock to control what 50 percent of American households read, hear, and see, and that is outrageous.

Mr. Speaker, the gentleman from Massachusetts [Mr. MARKEY] will offer an amendment to set that limit to 35 percent, and, frankly, I don't think this amendment goes far enough. I believe we need to address broader issues, such as who controls our networks, who controls our newspapers, and who controls our radios.

In conclusion, Mr. Speaker, I would suggest that we would have liked to have seen a tougher amendment, but I urge my colleagues to support the Markey amendment on concentration, and, Mr. Speaker, this bill has been around a long time. It has been a long time in coming, and I urge my colleagues to support the rule.

Mr. LINDER. Mr. speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], my colleague on the Rules Committee.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I want to thank the gentleman from Georgia [Mr. LINDER] and congratulate him for his fine work on an extremely complex rule that took a lot of work to get done, and the gentleman from New York [Mr. SOLOMON] as well, and I am delighted there is support on both sides of the aisle, for it deserves it.

Mr. Speaker, I urge support for the rule also, and I will use my time to indulge in a colloquy with the gentleman from Virginia [Mr. BLILEY], the honorable chairman of the Committee on Commerce, because two points have come up in discussion today regarding local government authority which I think can be clarified and need to be clarified.

Chairman BLILEY was Mayor BLILEY of Richmond, and this gentleman was mayor of a much smaller town, but they were both local governments and

there was a great concern among some of our local governments about some issues here, particularly two, as I have said. I want to address the issue of zoning.

Mr. Speaker, as to the cellular industry expanding into the next century, there will be a need for an estimated 100,000 new transmission poles to be constructed throughout the country, I am told. I want to make sure that nothing in H.R. 1555 preempts the ability of local officials to determine the placement and construction of these new towers. Land use has always been, and I believe should continue to be, in the domain of the authorities in the areas directly affected.

I must say I appreciate that communities cannot prohibit access to the new facilities, and I agree they should not be allowed to, but it is important that cities and counties be able to enforce their zoning and building codes. That is the first point.

Similarly, Mr. Speaker, I want to clarify that the bill does not restrict the ability of local governments to derive revenues for the use of public rights-of-way so long as the fees are set in a nondiscriminatory way.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I am happy to yield to the gentleman from Virginia, the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman and his colleagues and the chairman of the Committee on Rules for this rule. I wholeheartedly support it.

Let me say this, I was president of the Virginia Municipal League as well as being Mayor of Richmond, and I was on the board of directors of the National League of Cities. When legislation came to this body in a previous Congress for a taking of Mansassas Battlefield, I voted against it because the supervisors of Prince William County had made that decision. I have resisted attempts by people to get me involved in the Civil War preservation of Brandywine Station in Culpeper County for the same reasons.

Nothing is in this bill that prevents a locality, and I will do everything in conference to make sure this is absolutely clear, prevents a local subdivision from determining where a cellular pole should be located, but we do want to make sure that this technology is available across the country, that we do not allow a community to say we are not going to have any cellular pole in our locality. That is wrong. Nor are we going to say they can delay these people forever. But the location will be determined by the local governing body.

The second point you raise, about the charges for right-of-way, the councils, the supervisors and the mayor can make any charge they want provided they do not charge the cable company one fee and they charge a telephone company a lower fee for the same right-of-way. They should not discriminate, and that is all we say. Charge what you will, but make it equitable between the parties. Do not discriminate in favor of one or the other.

Mr. GOSS. Mr. Speaker, reclaiming my time, I thank the gentleman for that very clear explanation.

Mr. BLILEY. If the gentleman would continue to yield, the gentlewoman from Maryland has raised a point with me about access for schools to this new technology. Let me assure the gentlewoman that I know there is a provision on this in the Senate bill, and I will work with her and work with the other body to see that it is preserved and the intent of what she would have offered had she been able to is carried out in the final legislation.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have heard from a number of my local constituents, and I know the chairman is very strongly supportive of the rights of localities and strongly supportive of decentralized government. We have had some conversations about the process here, and I wonder if I may get a clarification.

Is my understanding correct that the gentleman is committed in the conference process to offer new language that will make it crystal clear that localities will have the authority to determine where these poles are placed in their community so long as they do not exclude the placement of poles altogether, do not unnecessarily delay the process for that purpose, do not favor one competitor over another and do not attempt to regulate on the basis of radio frequency emissions which is clearly a Federal issue? Is that an accurate statement of your intention?

Mr. GOSS. I am happy to yield to the distinguished chairman.

Mr. BLILEY. That is indeed, and I will certainly work to that end.

Mr. GOODLATTE. Thank you and I look forward to working with the chairman.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, if this bill really deserves a full and open debate, as the gentleman from Georgia has suggested, then why are we taking it up at midnight?

Mr. Speaker, this is a bill that affects the telephone in every house and every workplace in this country. It is a bill that affects every television viewer in this country and a wide array of other telecommunications services, and when does this Congress consider it? At midnight, after a full day of debate on an appropriations bill.

Regardless of your view on this bill, and I think it has some merit, regardless of your view on the substance of the bill, this sorry procedure ought to be voted down along with this rule. What an incredible testament to this new Republican leadership that they could take a bill of this vital important to the people of America and not take it up until midnight.

You can roll the votes. That just means there will not be anybody here listening to the debate. You can roll them all night long, as you plan to do. The real question is whether you will roll the American consumer.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I want to rise in support of the rule. I think this is a good rule.

Mr. Speaker, I want to point out to my colleagues that if this were a software package that would be version 5 or 6. We have been working on this issue for the last 5 years in the Congress. We had a bill pass the House; we never went to conference with the Senate last year.

There is one amendment that has been made in order, a bipartisan amendment, the Stupak-Barton amendment, that deals directly with local access, local control of rights-of-way for the cities that is very bipartisan in nature, and I would urge support of that amendment if we can reach agreement on it, which we are still working on that.

So this is a good rule, I want to thank the Committee on Rules for making Stupak-Barton in order, and I would urge Members to vote for the rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

□ 2315

Mr. DINGELL. Mr. Speaker, I rise in support of the rule. I urge my colleagues to vote for it. H.R. 1555 is a complex bill. It deals with a complex industry. It comprises a substantial portion of the American economy.

There are a lot of controversies in this legislation, and it should not be dealt with cavalierly. It is a matter of some regret to me we are proceeding late at night and that we have not had more time for this. But, nonetheless, the bill that would be put on the floor by the rule resolves many important questions, and it pulls out of a courtroom, where one judge, a couple of law clerks, a gaggle of Justice Department lawyers, and several hotel floors of AT&T lawyers, have been making the entirety of telecommunications policy for the United States since the breakup.

The breakup of AT&T was initiated by its president, Mr. Charley Brown, and it was done because he had gotten tired of having MCI sue him instead of

competing with him because of antitrust violations by AT&T. The crafting of that agreement led to a situation where the entirety of the telecommunications policies of the United States were dealt with in a closed courtroom, where no other party could participate.

This legislation resolves that question. Now, does it do so perfectly? Probably not. But I will remind my colleagues that this bill will resolve a conflict between the very rich and the very wealthy, and that fairness under those circumstances is impossible to achieve.

I will discuss later how there is competition in the long distance services of the United States and how the rates of AT&T, MCI, and Sprint fly in perfect formation. They fly like the formation of the nuts and bolts in an aircraft, all tied together by invisible forces, which has led to a situation where they all make money and nobody gets into that because of the behavior of Judge Green and his law clerks and a gaggle of Justice Department lawyers and three floors of AT&T lawyers, who have been foreclosing the participation of any other person in or outside of the telecommunications industry.

The bill, is it perfect? No. But it is far better than the situation we have, and it is a good enough bill. I would urge my colleagues to vote for it.

The rule, is it what I would have written? Of course not. But it does get the House to the business of addressing an important national question, and that is the question of what will be our telecommunications policy, and will it be decided by the Congress, and will it be decided by the regulatory system, or will it be decided in a court of star chamber, in which no other citizen can participate.

I urge my colleagues to vote aye on the rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I rise in support of the rule for H.R. 1555, the Communications Act of 1995.

The last time Congress considered communications legislation, the year was 1934. Radio was still in its infancy and commercial television broadcasting was still years away.

In those six decades dizzying changes in technology and markets have made our Nation's current telecommunications statutes totally outdated.

Over the last decade as Congress has debated telecommunications reform legislation, the private sector hasn't waited—instead they have moved aggressively, for example implementing a completely new, alternative phone system—cellular service—and they are now on the verge of creating yet another form of wireless communication.

Because of these rapid innovations in the marketplace, it is impossible and counterproductive for Congress to control micro manage the Nation's telecommunications future.

Instead, H.R. 1555 seeks to break down restrictive barriers, repeal outdated regulations and provide a fair and level playing field for all competitors.

As the Commerce Committee worked on drafting this legislation, we were of the opinion that competition is better than regulation. In areas where regulations are necessary, such as the transition rules while opening the local phone loop, regulations must be fair, reasonable, flexible, and sunset as quickly as possible.

In earlier decades it was perhaps logical for the Federal Government to establish communications monopolies to serve the Nation. However, we've now reached a stage in communications in which regulation is not only inefficient, but is actually a hindrance to the innovation and expansion which benefits the consumer.

For example—for the first time our policy is to move toward competition in local phone service and in cable television. We will also witness greatly expanded competition in long distance and in radio and television broadcasting.

Mr. Speaker, I also want to take this opportunity to speak about the process that produced this important legislation.

H.R. 1555 is the result of many months of hard work by all members, both Democrat and Republican, of the Commerce Committee and innumerable hours by committee and personal staff.

This bill does not favor one company or one industry at the expense of another. Chairman BLILEY, subcommittee Chairman FIELDS and Ranking Member DINGELL worked hard to produce legislation providing a fair and level playing field that will allow all companies to compete in a myriad of communication services.

Mr. Speaker, I urge my colleagues to support this rule, support the manager's amendment, and support final passage of H.R. 1555.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my friend from California for yielding me this time.

Mr. Speaker, I rise in opposition to the rule, and I will share with my colleagues two good reasons to vote against this rule: You know, 90 percent of America's parents have been asking us to give them greater control over what their children are seeing on television, the sex and the violence and the profanity. Enough is enough they say. They look to us to give them some relief.

More than 50 colleagues, both Republicans and Democrats, cosponsored legislation to use the technology that exists today to empower parents to control what their children are viewing on television. Pennies is all it would cost to add it to every new television set.

We have worked on this for months, and now, at the last minute, we have an amendment that was put together by the broadcast industry, which really is a sham, whose only objective is to kill the V-chip amendment. This rule makes it in order that if this amendment wins, and all it does is to encourage the broadcast industry to address this problem, if that amendment wins, we do not even get a vote on ours.

The second reason is a real sleeper in this bill, and that is with regard to the siting of these control towers. There are about 20,000 of them around the country now. There are going to be about 100,000. Our amendment said on private property, if you try to site a commercial tower, then the people that own that property have a right to go to their local zoning board.

Of course they have the right. Imagine if somebody tries to put a 150 foot tower on your property, and you object, and they tell you, "Well, the Congress gave us the authority to put it on. It is a Federal law. It supersedes local zoning authority." That is the last thing we want to be doing.

So I would urge a "no" vote on this rule.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from Indiana is recognized for 3 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I know that this bill has a great deal of merit and a lot of hard work has gone into it, and I think the rule, with a few exceptions, is a pretty good rule. But when I appeared before the Committee on Rules a couple of days ago, I specifically asked the chairman of the committee if we were going to get a freestanding up or down vote on this amendment.

I think there might have been a misunderstanding. I would not accuse the chairman of the committee of misleading anybody. But there definitely was a commitment, in my opinion, that we would have a straight, clear vote on the V chip amendment.

The problem is that we now have, as the gentleman from Virginia [Mr. MORAN] said, a perfecting amendment which will gut our ability to have an up or down vote on whether or not parents in this country will be able to block out sexually explicit programs and violent programs that they do not want their kids to see.

This legislation that we are trying to get passed would be very, very helpful to parents who are working. There are going to be 2 to 3 hundred channels in most homes in the not too distant future. The only technology we have now will block out one or two or three programs, and parents are not going to take the time to go through and specifically block out program after program. But the technology we are talking about will allow them to block out whole categories of violence and sexually explicit programs. The amendment

that is going to be offered as a preferential amendment to mine would stop that and just create a study commission.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I would just point out, I had an amendment offered on the V chip that was not made in order. I am supporting the rule. I hope those Members who had their amendment made in order would have the courtesy to support the rule.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, the reason I am not supporting the rule is simply because I was told we would have a straight up or down vote.

Let me just get to the crux of the problem. The American people, 90 percent of the families, as has been said, want the ability to protect their kids against violence and sexually explicit material. We have a way to do it, and we are not being given an up or down vote on that issue.

Now, we hope that the amendment that is going to supposedly perfect mine, which does not do anything, will be defeated. I urge my colleagues to defeat it so we can get a straight up or down vote on that, because I am confident that Republicans and Democrats alike, if given the chance, will give the American people what they want, and that is the ability to protect their kids against violence and sexually explicit programs. To do otherwise, I think is a sin.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of H.R. 1555. This vital legislation makes long-overdue changes to current communications laws by eliminating the legal barriers that prevent true competition.

I am particularly pleased that H.R. 1555 will break down barriers to telecommunications for people with disabilities by requiring that carriers and manufacturers of telecommunications equipment make their network services and equipment accessible to and usable by people with disabilities. The time is past for all persons to have access to telecommunications services.

H.R. 1555 assigns to the FCC the regulatory functions of ensuring that the Bell companies have complied with all of the conditions that we have imposed on their entry into long distance. This bill requires the Bell companies to interconnect with their competitors and to provide to them the features, functions, and capabilities of the Bell companies' networks that the new entrants need to compete. It also contains other checks and balances to ensure that competition in local and long distance grows.

The Justice Department still has the role that was granted to it under the Sherman and Clayton Acts and other antitrust laws. Their role is to enforce the antitrust laws and ensure that all companies comply with the requirements of the bill.

The Department of Justice enforces the antitrust laws of this country. It is a role that they have performed well. The Department of Justice is not and should not be a regulating agency: it is an enforcement agency.

Mr. Speaker, it is time to open our telecommunications market to true competition. This legislation is long overdue. I encourage my colleagues to support H.R. 1555.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Speaker, I rise to express my opposition with the process which was used for this important legislation. This bill will impact the life of every American—whether they talk on the telephone, listen to the radio, watch television, or send a fax. Even more significantly, it will impact technologies that have not yet been imagined and will be developed in the next century.

So how does the House of Representatives deal with this bill? By debating it into the dark of night under a rule which allows for almost no amendments. This process is seriously flawed.

The primary goal of this bill is supposed to be to increase competition through deregulation. Unfortunately, the bill as amended by the manager's amendment, falls short of this goal. For example, the bill does not require that there be any real, substantial competition in the local telephone loop prior to Bell entry into the long-distance business.

Several amendments were proposed to the Rules Committee to improve the bill and ensure that local competition will develop. None were made in order.

One such amendment, to ensure that 10 percent of local residential and commercial customers have access to a viable competitor prior to Bell entry into long distance, was rejected. In my State of Pennsylvania, which has 5.3 million local access lines, this means that a Bell company could provide long-distance service to State residents once a competitor could provide service to just 530,000 access lines.

Now why is it so important to have local competition before allowing the local telephone monopoly into long distance? Without real competition in the local loop prior to entry into long distance, a company can control long-distance service provider access to their long-distance customers because all long-distance calls must traverse the local loop to reach telephone customers. In short, the Bell system can use its monopoly control over the local loop into monopoly control over the long-distance business. This bill does not prevent the Bells from extending their monopoly and denying the benefits of competition to our constituents. I urge my colleagues to vote no on the rule and no on this bill in order to protect telephone consumers.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to be the distinguished gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to the rule.

Mr. Speaker, the rules governing debate of H.R. 1555 are bad enough—we have 90 minutes to debate the most substantial changes to our communications laws in over 60 years. What concerns me the most, however, are provisions in H.R. 1555 which would be the single biggest assault on American consumers and diversity of opinion that I've witnessed as long as I have lived.

H.R. 1555 completely repeals limits on mass media ownership, and the result will be a dangerous combination of media power. Under the bill, a single company can own a network station, a cable station, unlimited numbers of radio stations, and a daily newspaper, all in the same town.

We have heard that lifting ownership limits will promote competition. Personally, I can't think of a worse way to go about it. Once we lift the limits, a handful of network executives will dictate what programs the local affiliates in our districts should carry. If you have a complaint about losing local programming, don't bother changing the channel—the media group will own that station, too. If you want to write a letter to the newspaper, feel free, but know that the media group probably is the editorial board.

If any of my colleagues have kept up with the news recently, media companies are already lining up to buy each other out, all in anticipation of the broadcast ownership bonanza. You don't have to take my word for it, just look in today's New York Times and read about Walt Disney's buy-out of ABC, or the Westinghouse takeover bid for CBS. I will warn my colleagues: these companies are counting on us to remove ownership limits so they can squeeze out smaller competitors.

I don't think that many of my colleagues realize this, but the FCC is reviewing ownership limits and making changes right now to ensure competition and local diversity Blowing the lid off all restrictions doesn't make sense; we should let the FCC continue to do its job.

Mr. Speaker, with unrealistic time limits, this rule continues the tradition of the Republican-led 104th Congress: careless legislating and minimal debate. The new leadership cares more about corporate giveaways than consumers, and that is why I will vote against this rule. I urge all of my colleagues to do the same.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY], a member of the committee.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

□ 2330

Mr. OXLEY. Mr. Speaker, let me first say that the folks who support the Markey amendment which was made in order, the gentlewoman from New York

was talking about the concentration of media, she has an opportunity to support the Markey amendment. But we cannot do that unless the rule passes. Then the Members, the V chip that they had their amendment made in order stand here in the well of the House and complain about the rule. When I had my amendment offered to the Committee on Rules, it was rejected. So instead, the bunch of ingrates standing here complaining about the rule who had had their amendment in order, and here I stand, I got stiffed by the Committee on Rules and I am supporting the rule. What is wrong with this picture?

I give up. I am here to support the rule and simply say that it is time that we break the chains of the modified final judgment and take once and for all the responsibility for telecommunications legislation back to the duly elected Representatives of the people and take it away from an unelected, unresponsive Federal court.

Let us give back, let us give us the opportunity to make those kinds of decisions for the consumer. This is the most far-reaching, procompetitive, deregulatory piece of telecommunications legislation in over 60 years.

This is a product that has not just come out of the woodwork. It is a product that has been worked on for at least 5 years. Members of our committee, members of the Committee on the Judiciary, Members who have been here a while have worked on this issue. I find it incredible that we would even consider not passing a rule that would get us one step closer to what we want in telecommunications in the modern marketplace.

We have an opportunity here to pass the most far-reaching job-creating bill that any of us can imagine, a 3.5 million jobs bill. In 10 years that will catch us up with technology and take an antiquated 1934 statute and bring it up to the 21st century.

I have a particular provision that I was proud to work on dealing with the foreign ownership restrictions. They are incredibly antiquated. They restrict the ability of American companies to raise capital and to compete in the worldwide market. This bill breaks those barriers. I am proud to support the rule and proud to support the bill.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, I rise tonight in opposition to this rule. Once again, the Republican leadership has crafted a closed rule. Call it what they may, but where I come from there is nothing open about limiting both the time for debate and the amendments to be considered.

Mr. Speaker, this legislation will affect the lives of nearly every American and is far too important to be subjected to a closed rule. H.R. 1555 would make it possible for one entity to own all the radio stations, newspapers, 2 TV stations, and even the local cable and telephone companies in the same media market. So the same bill which seeks to end local telephone monopolies would allow a handful of media magnates to drive smaller competitors from the market and put an end to broadcast diversity. But an amendment to maintain current law regarding broadcast ownership was not made in order.

And what about the hypocrisy of the Republican leadership? For months they have been telling us that State and local governments are better equipped to make decisions affecting local residents, but this bill preempts local zoning authority with regard to the placement of antenna towers. Yet, an amendment to restore local authority was not ruled in order. I find it hard to believe that the Republican leadership is willing to rely on our State governments to solve this Nation's welfare crisis but does not trust local authorities to regulate the placement of cellular telephone antennas.

I would like to urge my colleagues to vote against this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank my colleagues from Atlanta for yielding time to me.

Believe it or not, I know it is 11:34 p.m. But over the next couple of hours, because of the fact that the ranking minority member of the Committee on Appropriations wanted us today to proceed with consideration of the Labor-HHS appropriations bill, we are going to embark on what I am convinced is one of the most exciting debates that we have possibly addressed in this Congress. It is a debate which is going to lead us towards the millennium and in fact lay the groundwork for dramatically improving the opportunity for consumers in this country to benefit in the area of telecommunications.

Mr. Speaker, it is going to be done on a very, very fair, under a very, very fair and balanced rule. This rule will in fact allow for the consideration of a wide range of issues, contrary to some of the statements that have been made by those who are opposing the rule.

It will allow us to get into debates on the V chip issue, on broadcasting, on cable, on Internet, a wide range of items, including that very important item which was just addressed earlier, the issue of local control.

We also had a very healthy exchange between two former mayors, which is going to ensure that not only here but in the conference we will see the issue of local control addressed.

This is being done in a bipartisan way. I congratulate the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BLILEY], and the gentleman from Illinois [Mr. HYDE], and those on the other side of the aisle who have been involved in this issue. It is being addressed with the support of the leadership on both sides.

I believe that as we move toward the millennium, we are going with this legislation to greatly enhance the opportunity for the U.S. consumer.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I say to the gentleman from California [Mr. DREIER], to the contrary, there is not going to be any debate tonight whatsoever. The reason is because once we vote on this rule, everybody in this room is going to go home except for five or six people, because there are not going to be any more votes until sometime tomorrow.

So the debate that takes place tonight will not be a debate. I would suggest all you Americans that are going to plan to participate, call home and tell them to start the home movies because you are going to be the only one to see yourself talking. There is not going to be anybody to talk to. There is not a single person who believes it is right to take up this bill at midnight and talk to ourselves for the next 3 or 4 hours.

General debate and debate on the amendments will take place in a total vacuum. It is not right. It is not necessary. Nobody on that side will stand up and defend this process, and nobody on this side will stand up and defend this process. It is an outrage. I am disappointed that the Democratic ranking member of the full committee, that the chairman of the full committee and chairman of the subcommittee have such a low regard for the jurisdictional area of this committee that they would go along with this process. I urge Members to vote no on this rule.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee which produced the bill.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Speaker, this is a good, balanced rule. This rule should be supported.

It gives us an opportunity to ask one question. That is: With our telecommunications policy, do we move into the 21st century or do we crawl back into the 1930s? Some of us have lived with that question for 2½ years, day in and day out. It is time to move forward. We know the issues of the debate. It is time to move forward on this important issue that affects a sixth of our Nation's economy.

I want to compliment the chairman, the gentleman from New York [Mr. SOLOMON], the gentleman from Georgia [Mr. LINDER], the gentleman from California [Mr. BEILENSON], the leadership

on our side, the leadership on the other side for allowing us to move forward.

This is a complex issue. If we had our preferences, we would do this at an earlier time. We would have more time to debate this. We do not. It is important to move forward.

I also want to pay special recognition to some Members who, like me, have spent a great deal of time on this issue. My friend, the gentleman from Virginia [Mr. BLILEY], chairman, my good friend, the gentleman from Michigan [Mr. DINGELL], my friend in the back of the Chamber, the gentleman from Massachusetts [Mr. MARKEY], who has spent as much time and more on this particular issue. And we will have our differences during this debate. We do disagree on the V chip. We do not want to see the government get into content regulation. But we will debate that issue.

We do not want to see the government continue a policy of restricting growth when it is no longer necessary with direct broadcast satellite, the growth of cable, the spectrum flexibility, the ability of broadcasters to compress, and so forth. We will have that debate, a good debate on that particular issue.

Of course, we disagree on the government continuing to regulate cable. But those are debates that we have.

I want to recognize his leadership and others as we move forward on this legislation.

Mr. BEILENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, this is not legislation. This is three card monte.

First we started with the appropriations bill on Labor-HHS, now we are going to slip in a telecommunications bill. But just when we get a focus on that, they will switch to the defense bill. This is an absolute degradation of the legislative process.

We also have the problem that we are now going to have the debate first and then the votes. I think they ought to try it other way around. Why do they not have the votes first and then the debate? They have obviously decided that the two are totally unrelated. They have totally degraded the legislative process. They have borrowed their sense of procedure from the red queen. Verdict first; debate afterwards.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY], subcommittee ranking member.

Mr. MARKEY. Mr. Speaker, this is an important piece of legislation. The gentleman from Texas has already pointed out that it affects one-sixth to one-seventh of the American economy. We should not be debating a bill that affects one-sixth to one-seventh of the American economy at midnight in the United States Congress. We should not be doing this.

We cannot have a good debate on cable. We cannot have a good debate on long distance. We cannot have a good debate on the V chip. We cannot have a good debate on privacy. We cannot have a good debate on the Internet. We cannot have a good debate on any of these issues which profoundly affect the satellite, the cable, the telephone, the computer, the software, the educational future of our country.

This bill will make most of the rest of the legislation which we are going to deal with on the floor of this body a footnote in history. This is the bill. We are taking it up at midnight. We are going to tell all the Members, after they vote on the rule, that they should go home, that there will not be any votes.

America is sound asleep. This is not the way to be treating one-sixth to one-seventh of the American economy. The Members should be here. Their staffs should be in their offices. The American people should be listening.

We are talking about issues that are so profound that if they are not heard we will have lost the great opportunity to have had the debate, to have had the educational experience which the Congress can provide to the country.

Now, some Members say, well, who cares, really, it is just a battle between AT&T on the one hand and the Bell companies on the other? Who really cares, is kind of the attitude that some Members have about it.

Well, my colleagues, this is more than how many gigabits one company might be able to provide or how many extra thousand cubic feet of fiber optic that one or another company might provide. This is about how we transmit the ideas in our society. Whether or not we give parents the right to be able to block out the violence and the explicit sexual content that comes through their television set goes to how our children's minds are formed. Whether or not consumers are going to have one cable company or two cable companies in their community 1½ years from now goes to the question of whether or not they are going to have a monopoly or a real choice in the marketplace.

Whether or not we are going to have a single company able to purchase the only newspaper in town, two television stations, every radio station and the cable system in every community in America is more profound than any other issue we are going to be debating on the floor this week, this month or this year.

This rule should be voted down. We should take up this bill in the light of day with every issue given the time it needs to be debated.

□ 2345

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, arguably, the most important thing about telecommunications reform is not in this bill, and that is affordable access to the Internet for the Nation's schools. Myself and the gentleman from Rhode Island [Mr. REED] offered such an amendment in the Committee on the Judiciary. We were asked to withdraw it in the hopes that it would be worked on in this bill. The gentlewoman from Maryland [Mrs. MORELLA] and I went to the Committee on Rules for her amendment, and it is still not being considered.

Mr. Speaker, I would like to inquire of the chairman, the gentleman from Virginia [Mr. BLILEY] what our posture would be, if I may, in a colloquy, with the Senate version of the language that does ensure Internet access for schools that is affordable.

Mr. BLILEY. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, as I told the gentlewoman from Maryland earlier, it is my intention to work with her and anyone else to see that this provision, or as near as we can, is included in the final version when we come out of conference.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is time to vote on a rule for a very important bill. I would like to address a couple of points. First let me thank Chairman BLILEY and Chairman, FIELDS. We have worked on this for a long time. I would like to especially thank the ranking member [Mr. DINGELL] who has given us some sage advice and a great deal of help. I am a little bit surprised at the compliant that we are not debating for a long enough time. We started with a 6 hour rule and we wind up with nine and a half hours, and that apparently is not enough. I am surprised at my friend from Indiana who says he cannot vote for this rule because he made his amendment in order, he wanted a closed rule on his amendment. All he has to do to have an up or down vote on his amendment is to have a substitute. It seems to me, if you have enough votes, you can defeat the substitute.

Mr. Speaker, I am most startled by the gentleman from Massachusetts [Mr. MARKEY] who made it very clear to us that he could not support this rule unless he got all three amendments in order. And we believed the gentleman, and we thought they were substantive enough to debate, and we made all three in order, and now he is complaining because we are debating this at night.

Mr. Speaker, I was on this floor today on Labor-HHS and there were fewer people in this Chamber during this day on Labor-HHS appropriations than there are here tonight. You know as well as I that typically there are fewer people in this Chamber during the day than at night. These are specious arguments. The rule is a balanced rule. I urge you to support it.

Mrs. MORELLA. Mr. Speaker, I rise to express my disappointment that the rule on this bill does not include an amendment that I introduced to provide affordable access to advanced telecommunication technologies for schools, libraries, and rural health care facilities.

In title I, section 246(b)(5) of this bill, the committee expresses its intent that students in our public schools should have access to advanced telecommunications technologies as one of the fundamental principles of universal service. This is an important and historic commitment. However, the bill does not address the issue of affordability of such access, nor does it include provisions addressing libraries and rural health care facilities. This was the amendment I introduced with Congressmen ORTON and NEY and Congresswoman LOFGREN. The bill, I understand, refers to "reasonable" rates. Reasonable rates by what standards? "Affordable" would have ensured that all schools, nationwide, would have access to the information superhighway.

I want to clarify that my amendment would not have imposed a financial burden on telecom providers. In the bill, universal service is being redefined by the Federal Communications Commission [FCC] based on recommendations by this joint board. In my amendment, schools and libraries would pay "affordable" rates as defined by a joint Federal-State universal service board.

Most schools simply cannot afford advanced telecommunications services. At present, less than 3 percent of classrooms in the United States have access to the Internet. This will not change unless we make access for schools affordable.

The Senate has wisely added provisions to ensure access at a discount price for schools, libraries, and rural health care facilities. I am pleased the Commerce Committee chairman has stated his agreement to working with me to include this provision in conference. In a Nation rich in information, we can no longer rely on the skills of the industrial age. All of our students must be guaranteed access to a high quality of education regardless of where they live or how much money they make. We must ensure that the emerging telecommunications revolution does not leave our critical public institutions behind.

Mr. LINDER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nayes 156, not voting 23, as follows:

[Roll No. 616]

YEAS—255

Allard	Ganske	Norwood
Archer	Gekas	Nussle
Armey	Geren	Ortiz
Bachus	Gilchrest	Oxley
Baker (CA)	Gillmor	Packard
Baker (LA)	Gilman	Parker
Baldacci	Goodlatte	Paxon
Ballenger	Goodling	Payne (VA)
Barcia	Gordon	Pelosi
Barr	Goss	Peterson (MN)
Barrett (NE)	Graham	Pickett
Barrett (WI)	Greenwood	Pombo
Bartlett	Gutierrez	Porter
Barton	Gutknecht	Portman
Bass	Hall (TX)	Pryce
Bevill	Hamilton	Quinn
Bilbray	Hansen	Radanovich
Bilirakis	Hastert	Rahall
Bishop	Hastings (FL)	Ramstad
Bliley	Hastings (WA)	Regula
Blute	Hayes	Richardson
Boehlert	Hayworth	Riggs
Boehner	Heineman	Roberts
Bonilla	Hoke	Rogers
Bonior	Horn	Rohrabacher
Bono	Hostettler	Ros-Lehtinen
Boucher	Houghton	Roukema
Brewster	Hoyer	Royce
Brown (FL)	Hunter	Rush
Brownback	Hutchinson	Salmon
Burr	Hyde	Sanford
Buyer	Inglis	Saxton
Calvert	Istook	Scarborough
Camp	Jackson-Lee	Schaefer
Canady	Johnson (CT)	Scott
Castle	Johnson, Sam	Seastrand
Chabot	Johnston	Shadegg
Chambliss	Kasich	Shaw
Chenoweth	Kelly	Shays
Christensen	Kildee	Sisisky
Clement	Kim	Skeen
Clinger	King	Smith (MI)
Coburn	Kingston	Smith (NJ)
Collins (GA)	Kleczka	Smith (TX)
Combest	Klug	Smith (WA)
Condit	Knollenberg	Solomon
Cooley	Kolbe	Souder
Cox	LaHood	Spence
Crapo	LaTourette	Spratt
Cremeans	Laughlin	Stearns
Cubin	Lazio	Stenholm
Cunningham	Leach	Stockman
Deal	Lewis (CA)	Stump
DeLay	Lewis (GA)	Stupak
Diaz-Balart	Lewis (KY)	Talent
Dickey	Lightfoot	Tanner
Dingell	Lincoln	Tate
Doolittle	Linder	Tauzin
Dornan	Livingston	Taylor (MS)
Dreier	LoBiondo	Taylor (NC)
Dunn	Lofgren	Tejeda
Ehlers	Longley	Thompson
Ehrlich	Lucas	Thornberry
Emerson	Manton	Tiahrt
English	Manzullo	Torkildsen
Ensign	Martini	Torricelli
Eshoo	Matsui	Towns
Everett	McCrery	Traficant
Ewing	McHugh	Upton
Fawell	McInnis	Vucanovich
Fazio	McIntosh	Waldholtz
Fields (TX)	McKeon	Walker
Flake	Meek	Walsh
Flanagan	Metcalf	Wamp
Foley	Mica	Ward
Forbes	Miller (FL)	Watts (OK)
Fowler	Minge	Weldon (FL)
Fox	Molinari	Weldon (PA)
Franks (CT)	Mollohan	Weller
Franks (NJ)	Morella	White
Frelinghuysen	Murtha	Whitfield
Frisa	Myrick	Wicker
Funderburk	Nethercutt	Wyden
Furse	Neumann	Wynn
Gallegly	Ney	Zeliff

NAYS—156

Abercrombie	Browder	Chapman
Ackerman	Brown (CA)	Clay
Baesler	Brown (OH)	Clayton
Becerra	Bryant (TN)	Clyburn
Beilenson	Bryant (TX)	Coble
Bentsen	Bunn	Coleman
Bereuter	Bunning	Collins (IL)
Berman	Burton	Collins (MI)
Borski	Cardin	Conyers
Costello	Hoekstra	Olver
Coyne	Holden	Orton
Cramer	Jacobs	Owens
Crane	Jefferson	Pallone
Danner	Johnson (SD)	Pastor
Davis	Johnson, E. B.	Payne (NJ)
de la Garza	Jones	Peterson (FL)
DeFazio	Kanjorski	Petri
DeLauro	Kaptur	Pomeroy
Dellums	Kennedy (MA)	Poshard
Deutsch	Kennedy (RI)	Quillen
Dixon	Kennelly	Rangel
Doggett	Klink	Reed
Dooley	LaFalce	Rivers
Doyle	Lantos	Roemer
Duncan	Largent	Roth
Durbin	Latham	Roybal-Allard
Edwards	Levin	Sanders
Engel	Lipinski	Sawyer
Evans	Lowey	Schiff
Farr	Luther	Schroeder
Fattah	Maloney	Schumer
Fields (LA)	Markey	Sensenbrenner
Filner	Mascara	Serrano
Foglietta	McCarthy	Skaggs
Ford	McCollum	Skelton
Frank (MA)	McDermott	Slaughter
Frost	McHale	Stark
Gejdenson	McKinney	Stokes
Gephardt	McNulty	Thomas
Gibbons	Meehan	Thornton
Gonzalez	Menendez	Torres
Green	Meyers	Tucker
Gunderson	Mfume	Velazquez
Hancock	Miller (CA)	Vento
Harman	Mineta	Visclosky
Hefley	Mink	Waters
Hefner	Moran	Watt (NC)
Herger	Myers	Waxman
Hilleary	Nadler	Wise
Hilliard	Neal	Wolf
Hinchey	Oberstar	Woolsey
Hobson	Obey	Zimmer

NOT VOTING—23

Andrews	Moakley	Thurman
Bateman	Montgomery	Volkmer
Callahan	Moorhead	Williams
Chrysler	Reynolds	Wilson
Dicks	Rose	Yates
Hall (OH)	Sabo	Young (AK)
Martinez	Shuster	Young (FL)
McDade	Studds	

□ 0005

Mr. CUNNINGHAM changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISCLAIMER OF STATEMENTS ATTRIBUTED TO ME

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, twice in debate on the previous rule it was asserted that this bill is going to be debated tonight because that was my preference. That is absolutely baloney. For the last month, at the request of the majority, I have been trying to assist the majority to see to it that they finish all their appropriations bills before we recess for August. It has been my position from the beginning that telecommunications should not even be on the floor until the Labor-HEW bill is finished and until the defense appropriation bill is finished. If after that time there is time for telcom, in my view that is a decision that is made above my pay grade by the leadership, but I personally believe it is a disgrace that any of these bills, especially a bill

involving this much money, will be debated in the dead of night in such a limited time frame.

Mr. Speaker, this bill should not be here at all this week.

REQUEST FOR CONSIDERATION OF AMENDMENT NO. 2-2 OUT OF ORDER DURING CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes consideration of the bill H.R. 1555 pursuant to House Resolution 207 on the legislative day of August 3, 1995, it shall be in order to consider the amendment numbered 2-2 in House Report 104-223 notwithstanding earlier consideration of the amendment numbered 2-3 in that report on the legislative day of August 2, 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BARTON of Texas. Reserving the right to object, Mr. Speaker, could I inquire of the distinguished ranking member of the Committee on Commerce if that means that the debate on the Conyers amendment would not be tonight, but would be tomorrow? Is that the intent of the gentleman's unanimous-consent request?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman is correct.

Mr. BARTON of Texas. Mr. Speaker, Further reserving the right to object, I had asked for the same consideration. I am supporting the Stupak amendment, which is only 10 minutes of debate time, and it asks for the same consideration. The gentleman from Colorado [Mr. SCHAEFER], the gentleman from Michigan [Mr. STUPAK], and myself are in continuing negotiations, and it is quite likely that we would have an agreement so that there would not have to be even a vote on that amendment, and I was told that we could not do that.

Well, if we cannot do that, I am going to object to the gentleman from Michigan doing it.

Now if we can get unanimous consent that our little 10-minute debate can also be tomorrow, then I will not object.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman would permit, that has been discussed with the gentleman from Michigan [Mr. CONYERS]. He feels no objection. I have discussed it with other members of the committee and other Members managing the legislation. This meets the approval of the leadership on the Republican side.

I would urge the gentleman to go along. It does not prejudice the gentleman from Michigan [Mr. STUPAK], who happens to be a very close friend and comes from the same State I do.

Mr. BARTON of Texas. If we could get agreement that the Stupak amendment, which is only 10 minutes of debate, could be tomorrow, then I will withdraw my reservation of objection.

Mr. DINGELL. Mr. Speaker, if the gentleman would yield, I have no objection to the gentleman making that unanimous-consent request.

Mr. HYDE. Mr. Speaker, if the gentleman will yield, the gentleman from Philadelphia, Pennsylvania [Mr. FATTAH] is just about to make a privileged motion.

Now we are going to get along here, we are going to have unanimous-consents, we are going to try and move along. Many of us share the discomfort of the hour. But look. We want to get out on our recess, but is the gentleman going to move to adjourn, because if so, it is going to be difficult to agree to much around here.

So, I do not know if the gentleman wishes to disclose what his privileged motion is, but I suspect it is going to be to adjourn.

Mr. BARTON of Texas. Mr. Speaker, I am not sure of the parliamentary procedure, but, if I have the right, I would ask that the Dingell unanimous-consent request be amended so that the Stupak amendment will also be rolled until tomorrow.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, would the gentleman withhold his unanimous-consent request and let me make mine?

The SPEAKER pro tempore. The Chair will entertain one unanimous-consent request at this time.

Mr. BARTON of Texas. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BRYANT of Texas. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what the purpose of wanting to change the order of consideration of the amendments is. Is he concerned that no one will be here to pay attention to the Conyers amendment if the unanimous-consent request is not granted?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman from Michigan [Mr. CONYERS] had indicated he wishes to do business with his amendment tomorrow. I think that is a fine idea, and I would like to see him have that opportunity.

Mr. BRYANT of Texas. Where is the gentleman from Michigan [Mr. CONYERS], and why is he not making this request?

Mr. DINGELL. It just so happens, I will inform the gentleman, that I am, according to what I understand, the manager of the bill on this side, and I am simply trying to proceed and carry out those functions.

Mr. BRYANT of Texas. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. FATTAH. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FATTAH moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. FATTAH].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FATTAH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 89, noes 216, not voting 129, as follows:

[Roll No. 617]

AYES—89

Ackerman	Hilliard	Mink
Baldacci	Hinchey	Mollohan
Becerra	Jackson-Lee	Nadler
Berman	Jacobs	Neal
Bishop	Jefferson	Obey
Brown (CA)	Kaptur	Orton
Brown (OH)	Kennedy (MA)	Owens
Bryant (TX)	Kennedy (RI)	Pallone
Clay	Kennelly	Payne (NJ)
Conyers	Klink	Pelosi
Danner	LaFalce	Rahall
DeLauro	Lewis (GA)	Rangel
Dixon	Lofgren	Reed
Doggett	Lowey	Richardson
Durbin	Luther	Roybal-Allard
Edwards	Maloney	Rush
Engel	Markey	Sanders
Evans	Mascara	Schumer
Fattah	McCarthy	Scott
Fazio	McDermott	Serrano
Fields (LA)	McHale	Slaughter
Filner	McKinney	Spratt
Ford	McNulty	Thompson
Frank (MA)	Meehan	Torres
Furse	Meek	Tucker
Gejdenson	Menendez	Ward
Gephardt	Mfume	Waters
Gonzalez	Miller (CA)	Wise
Hastings (FL)	Mineta	Woolsey
Hayes	Minge	

NOES—216

Allard	Boucher	Coble
Armey	Brewster	Coburn
Bachus	Browder	Collins (GA)
Baesler	Brown (FL)	Condit
Baker (CA)	Bryant (TN)	Cooley
Ballenger	Bunn	Cox
Barcia	Burr	Cramer
Barr	Burton	Crane
Bartlett	Buyer	Crapo
Barton	Calvert	Cremeans
Bellenson	Camp	Cubin
Bentsen	Castle	Cunningham
Bereuter	Chabot	Davis
Bilbray	Chambliss	Deal
Blute	Chapman	DeLay
Boehlert	Christensen	Dickey
Boehner	Clayton	Dingell
Bonilla	Clement	Dooley
Bonior	Clyburn	Doolittle

Doyle	Johnson (CT)	Pryce
Dreier	Johnson, E. B.	Quinn
Duncan	Johnson, Sam	Riggs
Ehlers	Johnston	Rohrabacher
Ehrlich	Jones	Ros-Lehtinen
Emerson	Kasich	Royce
English	Kildee	Salmon
Eshoo	Kim	Sanford
Everett	Kingston	Sawyer
Farr	Kleczka	Saxton
Fawell	Knollenberg	Scarborough
Fields (TX)	Kolbe	Schaefer
Flanagan	LaHood	Schiff
Foley	Largent	Seastrand
Forbes	Latham	Shadegg
Fowler	LaTourette	Shays
Fox	Lazio	Skeen
Franks (CT)	Leach	Skelton
Franks (NJ)	Lewis (CA)	Smith (MI)
Frelinghuysen	Lewis (KY)	Smith (NJ)
Frisa	Lightfoot	Smith (WA)
Frost	Lincoln	Solomon
Funderburk	Linder	Souder
Ganske	LoBiondo	Stearns
Geren	Longley	Stenholm
Gilchrest	Lucas	Stump
Gillmor	Manzullo	Stupak
Goodlatte	Martini	Talent
Gordon	McCollum	Tanner
Goss	McCrery	Tate
Graham	McHugh	Tauzin
Green	McInnis	Taylor (MS)
Greenwood	McIntosh	Tejeda
Gutknecht	McKeon	Thomas
Hall (TX)	Metcalf	Thornberry
Hancock	Meyers	Thornton
Hastert	Miller (FL)	Torkildsen
Hastings (WA)	Molinari	Towns
Hayworth	Morella	Traficant
Herger	Nethercutt	Upton
Hilleary	Ney	Waldholtz
Hobson	Norwood	Walker
Hoekstra	Nussle	Walsh
Hoke	Ortiz	Watts (OK)
Holden	Oxley	Weldon (FL)
Horn	Pastor	Weldon (PA)
Hostettler	Paxon	White
Houghton	Payne (VA)	Whitfield
Hoyer	Peterson (MN)	Wicker
Hunter	Pombo	Wyden
Hyde	Porter	Wynn
Inglis	Portman	Zeliff
Istook	Poshard	Zimmer

NOT VOTING—129

Abercrombie	Goodling	Radanovich
Andrews	Gunderson	Ramstad
Archer	Gutierrez	Regula
Baker (LA)	Hall (OH)	Reynolds
Barrett (NE)	Hamilton	Rivers
Barrett (WI)	Hansen	Roberts
Bass	Harman	Roemer
Bateman	Hefley	Rogers
Bevill	Hefner	Rose
Bilbray	Heineman	Roth
Bilirakis	Hutchinson	Roukema
Bono	Johnson (SD)	Sabo
Borski	Kanjorski	Schroeder
Brownback	Kelly	Sensenbrenner
Bunning	King	Shaw
Callahan	Klug	Shuster
Canady	Lantos	Sisisky
Cardin	Laughlin	Skaggs
Chenoweth	Levin	Smith (TX)
Chrysler	Lipinski	Spence
Clinger	Livingston	Stark
Coleman	Manton	Stockman
Collins (IL)	Martinez	Stokes
Collins (MI)	Matsui	Studds
Combest	McDade	Taylor (NC)
Costello	Mica	Thurman
Coyne	Moakley	Tiahrt
de la Garza	Montgomery	Torricelli
DeFazio	Moorhead	Velazquez
Dellums	Moran	Vento
Deutsch	Murtha	Visclosky
Diaz-Balart	Myers	Volkmer
Dicks	Myrick	Vucanovich
Dornan	Neumann	Wamp
Dunn	Oberstar	Watt (NC)
Ensign	Olver	Waxman
Ewing	Packard	Weller
Flake	Parker	Williams
Foglietta	Peterson (FL)	Wilson
Gallegly	Petri	Wolf
Gekas	Pickett	Yates
Gibbons	Pomeroy	Young (AK)
Gilman	Quillen	Young (FL)

□ 0034

Mr. MILLER of Florida changed his vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

REQUEST FOR PERMISSION TO CONSIDER AMENDMENT OUT OF ORDER DURING CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes consideration of the bill, H.R. 1555, pursuant to House Resolution 207, on the legislative day of August 3, 1995, it shall be in order to consider the amendment numbered 2–1 and 2–2 in House Report 104–223, notwithstanding earlier consideration of the amendment 2–3 in that report on the legislative day of August 2, 1995.

Mr. BRYANT of Texas. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain exactly what he is attempting to do here.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, basically it would allow us today to take up the Cox-Wyden amendment after the manager's amendment. That is it.

Mr. BRYANT of Texas. Mr. Speaker, I would ask the gentleman, is there some reason for doing that?

Mr. BLILEY. Mr. Speaker, if the gentleman will continue to yield, only to save time, so that we will have less time to be consumed tomorrow evening when we return to the bill.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, it also is because the gentleman from Michigan [Mr. CONYERS] would prefer to bring up his amendments tomorrow, and the gentleman from Massachusetts [Mr. MARKEY] would prefer to bring up his amendments tomorrow. This would facilitate the business of the House, and also is an accommodation to the Members.

Mr. BRYANT of Texas. Mr. Speaker, I wonder if the gentleman would respond, if I might yield to him further, why these gentlemen want to take their amendments up tomorrow instead of the middle of the night like all of the other amendments?

Mr. STUPAK. Mr. Speaker, if the gentleman will yield, on my amendment No. 2–1, we were very close tonight to having a final agreement on it. We worked on it for about 4 hours. We feel with a little more effort tonight and tomorrow morning, we may be able to get an agreement so we do not have to bring up my amendment tomorrow. We are trying to save the time tonight.

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time under my reservation, I would just like to say that the process of bringing this up in the middle of the night is an outrage, and I will not go along with accommodating anybody. If we are going to stay here all night long, everybody can stay here all night long, and I object.

The SPEAKER pro tempore. Objection is heard.

COMMUNICATIONS ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1555.

□ 0038

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 22½ minutes, the gentleman from Michigan [Mr. DINGELL] will be recognized for 22½ minutes, the gentleman from Illinois [Mr. HYDE] will be recognized for 22½ minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 22½ minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

PARLIAMENTARY INQUIRY

Mr. FIELDS of Louisiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FIELDS of Louisiana. Mr. Chairman, does the chair expect to take any more recorded votes tonight? Will we roll votes until tomorrow morning? There are many Members who wish to know the answer to that question.

The CHAIRMAN. The Chair cannot anticipate whether or not votes will be required this evening.

Mr. FIELDS of Louisiana. Can the Chair roll votes until tomorrow morning if it is not a privileged motion?

The CHAIRMAN. Under the rule, the Chair has the authority to postpone requests for recorded votes on the amendments, which is the intention of the Chair, but not on other motions.

Mr. FIELDS of Louisiana. Will the Chair exercise the prerogative to roll votes?

The CHAIRMAN. It is the intention of the Chair to postpone votes on amendments until tomorrow.

Mr. BLILEY. Mr. Chairman, I yield myself four minutes.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Chairman, today and tomorrow we will consider and pass the Communications Act of 1995, the most important reform of communications law since the original 1934 Communications Act, more than 60 years ago. This bill is sweeping in its scope and effect. For the first time, communications policy will be based on competition rather than arbitrary regulation. As a result of this fundamental shift in philosophy, American consumers stand to benefit from a greater choice of telecommunications services at lower prices and higher quality than previously available.

As most Members of this House know, Congress has talked about telecommunications reform for the past several years. In fact, we have come close several times, most recently last Congress, when the House overwhelmingly passed a telecommunications reform bill only to see it die in the Senate. This year, with the help of Mr. DINGELL, Mr. HYDE and Mr. FIELDS, we are determined to succeed where past Congresses have failed in seeing to it that telecommunications reform finally becomes law.

The Communications Act of 1995 requires the incumbent provider of local telephone service to open the local exchange network to competitors seeking to offer local telephone services. The legislation also will create competition in the video market by permitting telephone companies to compete directly with cable companies. Once the Bell operating companies open the local exchange networks to competition, the Bell companies are free to compete in the long distance and manufacturing markets. This bill also includes language relating to the Bell operating company provision of electronic publishing and alarm services.

More importantly, the key to this bill is the creation of an incentive for the current monopolies to open their markets to competition. This whole bill is based on the theory that once competition is introduced, the dynamic possibilities established by this bill can become reality. Ultimately, this whole process will be for the common good of the American consumer.

The difficulty of passing communications reform legislation is well known. In the midst of the important and difficult policy decisions which must be made by Members, large telecommunications companies have expended enormous pressure to keep competitors out of their businesses. In the name of competition, these companies have lobbied our Members intensively for their fair advantage in the new competitive landscape. Any one of these factions is capable of preventing what we all recognize is much needed reform. I urge my colleagues, particularly the new Members, to resist these pressures and to pass this long overdue bill. I realize these are not easy votes.

As I have stated, the need for telecommunications legislation is long overdue. We all recognize that the telecommunications industry is at a critical stage of development. This was highlighted by some of the merger activity we have seen this week. "Convergence" is the technical term used to describe the rapid blurring of the traditional lines separating discrete elements of the industry. From a policy perspective, convergence means that Congress must set the statutory guidelines to create certainty in the marketplace and to ensure fairness to all industry participants, incumbent and new entrant, alike. Such a policy will ensure a robust, competitive environment that will provide the American consumer with new telecommunications products and servioes at reasonable prices.

Mr. Chairman, Subcommittee Chairman FIELDS, Mr. DINGELL, and the members of the Commerce Committee strongly believe that the best policy decision this Congress can adopt is to open all telecommunications markets and to encourage competition in these markets. We believe it is competition, and not Government micro-management of markets, that will bring new and innovative information and entertainment services to Market as quickly as possible.

In shaping our legislation on a procompetitive model, we have been careful, However, not to legislate in a vacuum. We have taken into account past, Government-created advantages. We have resisted, in the name of deregulation, to simply break up one monopoly only to replace it with another. Rather, we have created a model that reflects the development of competition in the local telephone market.

Mr. Chairman, I want to spend a few moments on the issue of opening the local telephone market to competition.

The bill directs the Federal Communications Commission to adopt rules relating to opening the local telephone market. At any time after the FCC adopts its rules, a Bell operating company may seek entry into the long-distance market by filing with the Commission a certification from a State commission that it has met the bill's checklist requirements for opening up the local telephone market.

Additionally, a Bell operating company must file a statement that either: First, there is an agreement in effect—the terms and conditions of which are immediately available to competitors statewide—under which a facilities-based competitor is presently offering local telephone service to residential and business subscribers; or second, no such facilities-based provider has requested access and interconnection, but the Bell Company has been certified by the State that is has opened the local exchange in accordance with the act's requirements.

The FCC will review the Bell Company's verification statement, and during this review period, the FCC will consult with the Attorney General and the Attorney General's comments will be entered into the FCC's record.

Mr. Chairman, we believe that the approach we have adopted is a fair and balanced one. We understand the lobbyists and media tend to characterize this bill as either pro-Bell or pro-long distance depending on any word change. Our aim has always been to produce a fair test for providing not only Bell entry into long distance but long distance and other competitors entry into local telephony.

Each side has lobbied hard for its own fair advantage. What is important is that we believe we have achieved our goal of opening these markets in a balanced and equitable manner in order to bring new services and products to the American people as quickly as possible.

The legislation we are considering today will provide competition not only in the local telephone market but the long distance, cable, and broadcast markets. The bill also removes unnecessary and arbitrary regulation and adopts temporary rules that provide the transition to competitive markets.

Mr. Chairman, today we have a historic opportunity to reclaim our role in setting telecommunications policy. I urge my colleagues to vote for H.R. 1555.

□ 0045

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 1555.

H.R. 1555 is a big bill, but not a flawless bill. While I continue to have serious reservations about several of its provisions, it accomplishes many important goals. It will inject a healthy dose of competition into the communications industries—competition for cable service, competition for local telephone service, and more competition for long distance service. These are good provisions, and will benefit our constituents and our economy.

The bill will also get the Federal judiciary out of the business of micromanaging telecommunications—and that is good too. In fact, this has been a goal of mine since the breakup of the Bell System back in 1984.

The bill outlaws the practice known as slamming—when subscribers are switched from one carrier to another without permission. And it includes penalties that should serve as an effective deterrent to this noxious practice.

In moving to a competitive environment, the legislation protects several industries from unfair competition. H.R. 1555 includes safeguards to ensure that burglar alarm companies, electronic and newspaper publishers, and manufacturers of telecommunications equipment are not victimized by unfair competition.

H.R. 1555 requires that if the Federal Communications Commission adopts standards for digital television, that the rules permit broadcasters to use their spectrum for additional services that will benefit our constituents.

Having said all these good things about the bill, however, it is important to note that it is not perfect. It contains many compromises that were necessary to move the bill along. I'd like to compliment my colleagues, TOM BLILEY and JACK FIELDS, for the manner in which they have treated me and all the minority members as the bill moved through the process. We reached many compromises on the technically complex and detailed provisions of this bill, and they have worked with me with fairness, grace, and wit.

There are other areas, however, that need more work. These include the premature deregulation of the cable industry, the provisions eliminating limits on the ownership of mass media properties, and the absence of provisions that require the installation of the V-chip in television receivers. Mr. MARKEY intends to offer amendments to correct these deficiencies, and we will debate them later on.

Last year, the House suspended the rules and passed comparable legislation, H.R. 3626, by a vote of 423 to 5. Our bill did not pass the Senate—for a variety of reasons—and so we have been forced to go through this process all over again. I suspect that many of our colleagues dearly wish that the Senate had acted, so that we could have avoided much of the controversy of the last couple of weeks.

Mr. Chairman, on balance, H.R. 1555 is an improvement in current law. With its problems corrected by the adoption of the Markey amendments, it will be a downright good bill. I urge my colleagues to support Mr. MARKEY on his amendments, and vote for the adoption of H.R. 1555.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of H.R. 1555. This is a very important bill. It will provide competitiveness to an industry that has long lacked it. It will provide competitiveness in the long distance market.

Most support this bill, industry, labor alike. There is one small group that opposes this bill violently. That is the group of interesting and very strongly opposing folks, the Competitive Long Distance Coalition, made up of seven of the most colossally large corporations in the world, with net assets that are measured in the hundreds of billions of dollars.

Over the course of the last 10 days or so, every Member of this Chamber has been greeted as they came through the door with a sack of mail. I got one such sack here. This sack is not the mail I have received over the past 10 days. It is not even the sack of mail I received today. This is my 2 o'clock mailing. Every Member of Congress gets four mailings a day. This arrived at 2 o'clock today.

I was so livid by this, because I have never sent a telegram in my life, but AT&T would have me believe that thousands of people in my district feel so strongly about their corporate profits that they are going to send me thousands of telegrams.

So I put my busy beavers to work today in my office and asked them to make a few phone calls. They called 200 of these telegrams. We actually got hold of 75 of them. And in the course of that time we found out that 3, exactly 3 people out of those 75 even heard of these much less supported it.

Let me give you a few examples. This group here, Anthony in Chicago, very fine fellow, we could not talk to him. He has been bed-ridden for several months, and his wife told us on the phone that he has bigger problems to worry about then profits in the long distance companies.

This guy here, Harold, he is also a very fine fellow. We could not talk to him either because his wife told us that he had been in intensive care for several weeks and probably had better things to do than call me about telecom.

This is a great one, Mr. Chairman. This is Dennis, who is supposed to live in River Grove. We called Dennis out there. Dennis has not lived in Illinois in 10 years. Dennis not only lives in southern Wisconsin, but just for grins we asked for his phone number to get hold of him. We called Dennis and Dennis said, Not only do I not care about telecom and long distance profits, but if I did, why the hell would I call you?

This is the great one, this is little Andrea. We called her, and her mom answered the phone and said, Well, little Andrea is 8 and she is out playing now, but when she comes in, I will have her call and tell you about the bill.

This is the worst one of all. This is the most loathsome example, Casimir in my district. I will not say anything more about him out of respect for the family. But Casimir passed on in March.

It has been said in Chicago that those who have gone beyond have a tendency to vote, but to send me a telegram is indeed truly long distance at its best.

Mr. Chairman, I do not make this speech to mock the dead. I make this speech to show the appalling tactics of a tiny minority that absolutely are opposed to this bill, not because it is anticompetitive but because they are not preferentially advantaged as they have been through the years.

I urge every Member to vote for H.R. 1555, to ignore these sacks of mail and to, if they have objection to this bill, please let it be principled. Please let it be a reason not to vote for it and let this have nothing to do with your decision.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Good morning, Members of the Congress, insomniacs in the public, particularly those that are watching us on cable. I hope they are enjoying it now, because it is about to get a whole lot more expensive.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is advised to address the Chair and not others.

Mr. CONYERS. Mr. Chairman, I will correct myself.

Good morning, Members of the Congress and insomniacs in the Congress, particularly those of you who are present on the floor. I hope that you are enjoying this now because it is going to get a lot more expensive for those of us who are cable subscribers in this country.

If this bill passes, cable rates are guaranteed to rise and rise substantially. That will be a blessing to some people who do watch us and listen to us with some regularity. Not only will it be more expensive to watch us, it will be more expensive to watch sports, movies, and even infomercials.

You know all those telephone commercials arguing that their rates are lower? Well, forget it. As a result of this bill, long distance telephone rates will also rise along with cable rates. It is going to be a lot more expensive to call anybody from one end of this country to the other, and it is going to be expensive for your constituents, more expensive for your constituents to call you and me here in Washington. It is going to be more expensive to reach out and touch.

When the Republican majority tells you this is good for you, I tell you that you had better read the fine print because this is a special interest bill. There are special interest politics that are at play here, not too much of a surprise at this point in time.

Special interest politics always smiles in your face while it picks your pocket. For American consumers, this is one big sucker punch.

The fact is that the Republican leadership knows all this, and that that is one big gift for the special interests. It is going to cost our constituents, the consumers, a bundle.

That is why the bill is brought up in the middle of the night, after so many people are not watching and that many Members of Congress have also apparently gone to sleep. And worse, they are not only doing it in the middle of the night, but with a so-called manager's amendment that was arrived at without the processes of either of the committee chairmen, not to mention ranking chairmen, of the two committees that produced two bills. No one

saw this, including the press, the public, Members of the Congress, until the final copy was issued yesterday.

So I ask those who support this bill and the manager's amendment, what are you so afraid of and why must we do it under these processes?

Fact: Long distance prices have gone down 70 percent since the breakup of AT&T in 1984. That is because the antitrust principles enforced by the Department of Justice drove that breakup. This bill is to get rid of those antitrust principles and send the Department of Justice to the showers. The problem is that your phone prices are very likely to increase as a result.

Maybe it is because a number of Members here do not want the public to know that its cable prices are going to rise as a result of this bill.

Maybe it is because many here do not want the public to know that all the media outlets in particular markets, television, radio, newspapers, will increasingly be owned by a very few, thereby drowning out the diversity of voices in our media outlets.

Maybe it is because the leadership does not want everyone to know that the antitrust rules which have so successfully governed the telephone industry are now in the process of being chucked out of the window.

So if you want it to cost more when your constituents flip on television or pick up the phone, you will vote for this measure tonight. If you want lower cable and telephone rates, then you are going to have to do something different. But I will say to my colleagues, this is one of the biggest consumer ripoffs that I have witnessed in my career in the Congress.

Mr. Chairman, I reserve the balance of my time.

□ 0100

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. FIELDS], chairman of the Subcommittee on Telecommunications and Finance.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, I rise in strong support of H.R. 1555, the Telecommunications Reform Act of 1995, and I hasten to say that I believe that this legislation is balanced, it is sweeping, and it is monumental.

Mr. Chairman, there are few times in a legislator's career when one can come to this floor and talk about an historic moment, a watershed when a government breaks the chains of the past and enters a new policy era. Well, this is such a moment.

Mr. Chairman, since Alexander Graham Bell invented the telephone, this is only the second time the Government has focused and dealt with telecommunication policy. The first time was 61 years ago in the 1934 Communication Act when our country utilized radio, telegraph, and telephone technology. The Congressmen and Senators in 1934 could not have envisioned the technology that we enjoy today. They could not have envisioned the advantages of digital overt analog transmission. They could not have envisioned that clear voice transmission, along with data and video, could be accomplished without a wire. They could not believe that you could digitally compress and transmit as much as six times the current broadcast signal with the same or enhanced video capabilities.

Mr. Chairman, I am here tonight to tell our colleagues that we cannot on August 3, 1995, predict what the technologies and applications of those technologies would be next month, let alone next year. I do firmly believe, however, that this legislation will unleash such competitive forces that our country will see more technological development and deployment in the next 5 years than we have seen this entire century. I firmly believe that this legislation will result in tens of thousands of jobs being created and tens of billions of dollars being invested in infrastructure and technology in an almost contemporaneous manner when signed by the President.

Mr. Chairman, I cannot stand here and say that this legislation is perfect, but I can stand up and say to this House that our focus as a Committee on Commerce was correct. This legislation is predicated upon two things: Competition and the consumer. A belief that competition produces new technologies, new applications for those technologies, new services, all at a lower per capita cost to the consumer.

Mr. Chairman, central to competition to the consumer in this legislation is opening the local telephone network to competition. We do this with a short rulemaking by the FCC, the telephone companies having to enter a good faith negotiation with a facilities-based competitor, like a cable company, on how the network is open. A review by the State Public Utility Commission and FCC that the loop is open to competition, and once the FCC finally certifies that that local telephone network is open to that facilities-based competitor, then the same agreement with the same terms and conditions is open to any competitor within that State.

Mr. Chairman, this puts the consumer in control. Cable companies, telephone companies, long-distance companies, will all be vying for the consumer's business, offering new technologies, better services, more choice, at lower cost.

Among other things we do in the bill, we also have broadcasters as they move into the new era of digital transmission to utilize the technology of signal compression, to produce as many as six signals over the air broadcast signals; where today, only one signal is produced, we do six. It is hard for us to know what this one piece of the legislation means tonight. We hope it means more local news, weather, sports, cultural programming, and particularly, educational quality programming aimed at our Nation's children, but we do not dictate. We do not micromanage.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, first of all, I would like to begin by complimenting my good friend, the gentleman from Texas [Mr. FIELDS]. I have worked with the gentleman for three years on this legislation, and he and I have spent hundreds of hours talking about these issues and trying our best to come to common ground, and on many issues, we have, and many of those issues are in this bill. I think it is there that, in my opinion, the monumental parts of this bill are contained. I cannot thank the gentleman enough, and the gentleman from Virginia [Mr. BLILEY] on that side and all of the Members, and on this side, the gentleman from Michigan [Mr. DINGELL] and all of the members of our committee for all of the hard work which they have put into this bill over the last 3 years.

Mr. Chairman, unfortunately, since last year when we were considering this bill, there have been additions made to the legislation that were never under consideration in 1994. It is there primarily that the serious flaws in this legislation appear.

For example, one, I repeat myself, but it is very important. It is wrong to allow a single company to own the only newspaper, two television stations, every radio station in the entire cable system for a single community. It is just wrong. Second, I have no problem with deregulating the cable industry, if there is another competitor in that community. For 100 years in this country we have regulated monopolies.

Mr. Chairman, my career on the Committee on Commerce has been dedicated to deregulating toward competition so that we do not need to regulate monopolies any more, in electricity, in telephone, and in cable. But the honest truth of the matter is that there will be no competing cable system in most communities in America 2 years from today and 5 years from today. We should not subject those captive ratepayers to monopoly rents. It is wrong. Whenever a competitor shows up, total deregulation. That should be the heart and soul of this bill: Competition.

Third, the V-chip. We are creating a universe that is going to go from 30 to 50 to 60 to 100 to 200 to 500 channels. Mothers and fathers who will want this technology in their home for the wide variety of programming that will be available will also be terrified at what their child may gain access to when they are not home, or when they are in the kitchen. A violence chip upgrades the on-off switch. That is all it does. It allows the parent to upgrade a 1950s on-off switch to something that they can

have on or off when they are not in the room. That is all we are talking about. It only matches this 500 channel universe.

Mr. Chairman, these are the issues that we have to include in this bill if we are to move into the 21st century: Competition and protection of the consumer. I would hope that those amendments would be adopted.

Let me make another point. Here is the complaint form that is going to have to be filled out. For example, if you have 200,000 cable subscribers that are owned by the company in your area, 6,000 people have to fill out this form in order to complain about rates sky-rocketing when there is no other cable company in town that they can turn to, because rates are too high or quality is too low. Six thousand people out of 200,000 subscribers filling out a form that would basically make the 1040 form look attractive to most of them.

Mr. Chairman, this is not a complaint form. This is not a way in which ordinary consumers are going to be able to appeal when their rates go back up three times the rate of inflation before we put that cable rate protection on the books in 1992.

I am not looking for the kinds of radical changes that people might think. I am looking for common sense changes.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to actually make a comment, Mr. Chairman, about something that was not in the bill and we were disappointed because we did have an amendment, and that was to include stressing of availability and affordability for access for rural libraries, rural schools, and also rural hospitals. The gentleman from Virginia [Mr. BLILEY], the chairman of the committee, has stated here that although the amendment did not make it to the Committee on Rules, which was a disappointment, but that he is going to do all he can to work with the Senate version which does contain, I think, some good language.

Mr. Chairman, I just wanted to restress that there are a lot of Members of the House, had that amendment been in order and had that amendment come forth on the floor, they would have supported the amendment. I want to tell people here on the floor, Mr. Chairman, that in fact one of the most disenfranchised areas in the United States is in fact rural America. They pay the toll calls. There has not been the availability in a lot of areas on the information highway for rural America.

We know that we do not have enough money to solve all the problems, so therefore using high technology is going to bring a lot of information for our hospitals we could not normally get, it is going to bring a lot of information to our students who really do not have the advantage a lot of times of the high-technology systems, it is going to bring a lot of advantage to our libraries. I just want to restress that it has to be available and affordable.

Mr. Chairman, I appreciate the commitment of the gentleman from Virginia [Mr. BLILEY], because if we do not do something in this bill that is not in the House version, if we do not do something in the conference report, as this information superhighway goes across the United States, there is not going to be any exit ramps for rural America.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I would like to identify with the very generous remarks made by the gentleman from Massachusetts [Mr. MARKEY] a moment ago about the hard work done on this bill over the last few years. In fact, we passed an enormous bill in the last session of Congress and it ended up dying in the Senate.

Unfortunately, however, the work that was done by the committee over a period of several days, and frankly over a period of months preceding that, has been obviated by the fact that we now have before us at the very last minute what is called a manager's amendment which changes the bill entirely. The work of the committee, therefore, and the work of all of the people that came forth in the private sector, all of the people that came forth in the various public sectors, all of the Members of Congress, has now basically been sidelined while a manager's amendment that has been hammered out by the gentleman from Virginia [Mr. BLILEY], and I assume the gentleman from Michigan [Mr. DINGELL] and the gentleman from Texas [Mr. FIELDS] and others, not in an open committee rule, not with hearings, not with any organized input from anybody, is going to be brought up and we are going to be asked to vote for that.

Mr. Chairman, I think it is unprecedented. Maybe there is a precedent for it, although I cannot remember what it is. But I think that even if there were some precedent along the way for this, it should be condemned as a process. It is wrong. It is not the right way to legislate. I think it has a lot to do with the fact that we are up here right now at 1:15 in the morning debating a bill that relates to, I think I heard the gentleman from Texas [Mr. FIELDS] say, one-sixth of the entire economy, that changes the ability of people who are very important, powerful people and entities that own television stations to own more and more television stations in the same market, have greater and greater market penetration in the entire country that is controlled by just a very few people, always at a time when we read in the papers, even today about the confrontations going on in the telecommunications industry.

Mr. Chairman, this is an enormous bill. It is 1:15 in the morning. It is not right to be doing this, it is not necessary to be doing this. Not one single person will stand on the floor and say it is right or it is necessary.

Mr. Chairman, it is an outrage. I think the fact that we are doing it says a great deal about the manager's amendment. It says a great deal about the bill, unless we are able to amend it. We ought to amend it. We ought to adopt the Conyers amendment when the bill comes up unless the Justice Department has something to say about whether or not, when the Bell companies are able to enter into long-distance, they are in a position to drive everybody else out of business before they are allowed to enter into that business.

Mr. Chairman, I hope the amendment will be adopted. The Markey amendment ought to be adopted to try to ameliorate the monopolistic effects of this bill with regard to communications. Surely, if there is any industry that we do not want to see move in the direction of greater consolidation and monopolization, it would be the industry that controls the ideas of our children and the ideas of adults. Surely that is the one area we should protect assiduously, and yet this bill goes in the opposite direction. I hope you will adopt the Markey amendment.

Also, with regard to the V-chip, for goodness sakes, you know, we ought to be able to give parents the ability to control what their kids watch on television.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman from Texas has worked assiduously on both committees. This is one of the few Members in the Congress who serve on both the Committee on Commerce and the Committee on the Judiciary.

Mr. Chairman, I would like to ask the gentleman, is there any way that we can promote investment and competition at the same time that we promote concentrations of power and mergers? I mean are these concepts that can be reconciled at all?

□ 1315

Mr. BRYANT of Texas. Not only can they not be reconciled, it is a great irony to me that our friends on the far right side of the political spectrum frequently stand up and say the problem with this country is the liberal media, and yet it is their bill that is going to allow the so-called liberal media owners to have greater and greater power. Now either my colleagues do not really believe the liberal media is a problem or somehow or another my colleagues do not mind going ahead and giving them more power. I am not sure which it is. It is preposterous.

The gentleman's question is right on target. We cannot reconcile the two goals, and I hope the Members will vote for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], for the amendment offered by the gentleman from Michigan [Mr. CONYERS], and, if we do not get them adopted, for goodness' sakes vote against the bill.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, as an original cosponsor of the Communications Act of 1995, I wish to express my support for the manager's amendment and the bill, and let me give credit to the gentleman from Texas [Mr. FIELDS], the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], the gentleman from Massachusetts [Mr. MARKEY], and many others who have worked long and hard on this. We are not reinventing the Wheel here.

The gentleman from Virginia [Mr. BOUCHER] and I have introduced a bill involving cable/telco cross-ownership along with then Senator GORE and CONRAD BURNS from Montana, and before that there was a bill introduced by Al Swift from Washington, and Tom Tauke from New York. This has been an issue that has been with us a long time.

The real question we ask ourselves is do we think it is necessary 10 years later to have an unelected, unresponsive Federal judge as a czar of telecommunications, or is it time we take that issue back for the people through their duly elected representatives?

Make no mistake about it. This is the most deregulatory bill in American history. Some $30 billion to $50 billion in annual consumer business costs are benefited, 3½ million new jobs created. This is the largest jobs bill that will pass this Congress or any other Congress for a long time to come. It opens up all telecommunications markets to full competition including local telephone and cable.

Now the cabel/telco provisions based on the bill I introduced with the gentleman from Virginia is part and parcel of this bill. It basically allows telephone companies into cable, cable into telephone, and provides the necessary competition that is going to benefit our consumers.

I want to talk briefly about a provision that I was intimately involved in, and that is section 310(b) of the Communications Act. We felt it necessary to modernize that provision so that American companies would have better access to capital and at the same time would be more competitive in a global economy. I think, through the efforts of compromise with the Members on both sides of the aisle, we have reached that compromise, and I think that section 310(b), as we have amended it working with the administration as well as with the members of the committee, is clearly a much better section than it currently is in that it would encourage foreign governments, if left as it is now, to restrict market access for U.S. firms.

Make no mistake about it. Countries all over the globe are liberalizing their policies in telecommunications and American companies are taking advantage of that more and more and more. It makes sense for us to be on that same path, and I think we will with the language we provided in section 310(b).

We are at the point of passing historic legislation in this House. It has been a long time coming. I give credit to all those who have been involved. This is a worthy undertaking, and I ask support for the manager's amendment and the bill.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in support of HR 1555.

The indelible mark of the latter part of this century is that we have moved from an industrial era to the information age. Our Nation's telecommunications policies need revisions to match not only this moment but also prepare us for a new century.

California's Silicon Valley, which I'm privileged to represent, are reinventing cyberspace each day, pioneering technologies so dramatic, that they revolutionize how we live, how we work, and how we learn.

I'm committed to maintaining and enhancing the ingenuity and innovation of our high technology and communications industries.

That's why I offered an amendment during full Commerce Committee consideration of this bill, adopted unanimously, that ensures that the FCC does not mandate standards which limit technology or consumer choices.

The language is supported by American business alliances including the Telecommunications Industry Association, the Alliance to Promote Software Innovation, the Coalition to Preserve Competition and Open Markets, and the National Cable Television Association.

On the other hand, foreign TV manufacturers are pushing the Federal Government to impose standards that will establish television sets as the gatekeeper to home automation systems.

These interests have spent hundreds of thousands of dollars in advertising calling for the elimination of this language. They've done this because the amendment is the only obstacle in their path to monopolizing consumers.

Mr. Chairman, my provision is not simply about TV wiring and cable signals. It's about shedding the past. It's about embracing the future. It's about allowing American technology to unleash their genius and create a new world of possibilities—new ways to communicate with each other, new ways to improve our lives, new ways to make technology work better for all of us.

I urge Members to support deregulation of our telecommunications markets. Our nation's leadership in the information age depends on it.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE].

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me, and I rise in strong support of this legislation which will help to move the telecommunications policies of this country into the second half of the 20th century just in time to see this exploding technology move into the 21st century.

Make no mistake about it. It was Government policy that has restrained what is clearly the greatest opportunity for the creation of jobs and new technology that exists in this country, and it is about time that we enact this new policy to afford the opportunity to create the competition in all sectors of telecommunication that is going to bring about an explosion of opportunity for all Americans to have greater access to information, to have greater access to employment, and to have greater opportunities for new investment in all kinds of creative ideas.

So I strongly support this legislation. I do have concerns about some aspects of it. I will support the Burton-Markey v-chip amendment, and I would urge others to do so as well. This is not Government censorship, this is not getting Government involved in reviewing and screening these programs, the thousands of programs that are going to come across hundreds of cable channels. This is the empowerment of the parents of this country to be able to exercise the same responsibility in their own living rooms that they are now able to do with every movie that is offered in every movie theater in this country. It is simply an advanced technology for allowing parents to do the same thing with thousands of programs that are offered every week in their home that they do with the dozens of movies that are offered to their children in movie theaters. They will do it with technology, with the v-chip. That is the only feasible way that I know of, and anyone else that I have talked to knows of to accomplish this goal when we are talking about this massive amount of information.

I am also disappointed that the amendment which I offered, the Goodlatte-Moran amendment, was not made in order by the committee to guarantee protection for local governments that they will continue to be able to provide the kind of decisions on the placement of telecommunications equipment in their local communities, but we have received assurance from my good friend, the chairman of the Committee on Commerce and fellow Virginian, that this matter will be

fully addressed in conference, and I have every confidence that that will take place, that we will make it clear that on local zoning decisions local governments will make those decisions, and we will also make it clear that in advancing this telecommunication policy we will not have restraints on the ability to make sure this is a national policy by insuring that every community will allow this telecommunications into the community, however we will not have a problem with the fact that local governments need to have that opportunity.

I urge support for this bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the able gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in support of the Conyers amendment to H.R. 1555. This amendment would require prior approval by the Attorney General before a Bell operating company may enter into long distance or manufacturing. Both the Justice Department and the FCC would review the State certification of "checklist" compliance.

Under the manager's amendment to H.R. 1555, the FCC must consult with the Department of Justice ["DOJ"] before it makes a decision on a BOC's request to offer long distance services—but DOJ has no independent role in evaluating the request.

Mr. Chairman, by depriving DOJ of an independent voice in the review process, this bill creates unnecessary risks for consumers and threatens the development of a competitive local and long distance telecommunications marketplace. The aim of deregulation was to spur phone and cable companies to enter into each other's markets and create competition. That in turn would lower prices and improve service.

Just the opposite would happen under H.R. 1555 in its current form. H.R. 1555 encourages local cable—phone monopolies. Cable and phone firms could merge in communities of less than 50,000. Therefore, nearly 40 percent of the nation's homes could end up with monopolies providing them both services and the public would not be protected from unreasonable rate increases.

Mr. Chairman, the Department of Justice is the best protector of competition by utilizing the antitrust laws of this country. The Conyers amendment will ensure that the Department of Justice has a meaningful role in the telecommunications reform, and, if it passes, consumers of America will benefit.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

I would like to announce for the benefit of the Members on the floor or in their offices that it is my intention to move that the Committee rise after general debate. There will be no debate or votes tonight on amendments.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman and members, I rise in support of the bill. I think this is a very far-reaching telecommunications bill, the most far-reaching in the last 50 years. It will provide more competition for more industries for more consumers around this country. It will allow local telephone companies to get in long distance service. It will allow long distance telephone companies to get into local service. It will allow cable television providers to get into long distance and local service and vice versa. We will not have telephone companies, cable companies. We will have communications providers. The consumers will be the ultimate driver. They will have more choice.

□ 0130

I think it is a good bill. I think we should move it out of this body this week, move it to conference with the Senate so that we can have a modified version early this fall to pass and put on the President's desk.

Mr. Chairman, I want to speak specifically on the Stupak-Barton amendment that deals with local access for cities and counties to guarantee that they control the access in their streets and in their communities. The bill, as written, did not provide that guarantee. The Chairman's amendment does provide, I think, probably 75 percent, maybe 80 percent of that guarantee.

We are in negotiations this evening and will continue in the morning with the gentleman from Michigan [Mr. STUPAK] and the gentleman from Colorado [Mr. SCHAEFER] and myself, so that we should have an agreement that solves the issue to all parties' satisfaction, but we simply must give the cities and the counties the right to control the access, to control right-of-way, to receive fair compensation for that right-of-way, while not allowing them to prohibit the telecommunications revolution on their doorstep.

Mr. Chairman, the Stupak-Barton amendment will do that, and I am confident that we can reach an agreement with the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], and the gentleman from Colorado [Mr. SCHAEFER] tomorrow so that we can present a unanimous-consent agreement to the Members of the body later tomorrow afternoon.

I would support the amendment and support the bill and ask that the Members do likewise.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. WYDEN].

(Mr. WYDEN asked and was given permission to revise and extend his remarks.)

Mr. WYDEN. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY] for their many courtesies shown to me with respect to the provisions I am going to discuss, and also the gentleman from Texas [Mr. FIELDS] and the gentleman from Virginia [Mr. BLILEY], who have been exceptionally patient.

I take this floor first to talk as the father of two young computer literate children who use the Internet. As a parent, I and other parents want to make sure that our youngsters do not get access to the kind of smut and pornography and offensive material that we now see so often on the Internet.

Tomorrow, the gentleman from California [Mr. COX] and I, who have worked together in a bipartisan way, will offer an amendment based on a very simple premise. Our view is that the private sector is in the best position to guard the portals of cyberspace and to protect our children. In the U.S. Senate, they have somehow come up with the idea that our country should have a Federal Internet censorship army designed to try to police what comes over the Internet.

I would say to our colleagues, and, again, the gentleman from California [Mr. COX] and I have worked very closely together, that this idea of a Federal Internet censorship army would make the keystone cops look like Cracker Jack crime fighters. I look forward, along with Mr. COX, to discussing this more in detail with our colleagues tomorrow.

Second, Mr. Chairman, and very briefly, I would like to discuss an issue of enormous importance to westerners, and that is the problem with service in the U S West service territory. We learned today, for example, that there has been a 47 percent increase in delayed new service orders in the west. These are problems with waits for phone repairs, busy signals at the business offices, inaccurate information provided by company customer representatives.

An amendment I was able to offer, with again the help of the gentleman from Michigan [Mr. DINGELL], the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BLILEY], stipulates that local telephone companies have to meet certain service conditions as a factor prior to entering the long-distance market. This is a measure that will be of enormous benefit in the fastest growing part of our country, the U S West service territory.

Mr. Chairman, I want to thank our colleagues and the leadership on both sides for their patience.

Mr. Chairman, as telecommunications companies enter new fields, we must ensure current customers are not discarded and left without basic phone needs. The drive to streamline and downsize has subjected local telephone customers in my region of the country to poor customer service.

During Commerce Committee consideration of this legislation, I added a provision dealing with customer service standards. My amendment is in section 244 of the bill which outlines the conditions that local telephone companies must meet prior to entering the long distance

market. My amendment will give state utility commissions additional leverage to pressure the local phone companies to meet established customer service standards and requirements.

Local telephone customers complain vociferously about long waits for telephone repairs, busy signals at business offices, and inaccurate information provided by company customer representatives.

Just today, the Associated Press ran a story detailing customer service woes in the Pacific Northwest. According to the story, delayed new-service orders have increased 47 percent just this year. Across the West, more than 3,500 orders for new telephone service have been delayed in excess of 30 days. I ask that several articles addressing this situation be printed in the RECORD. Additionally, I submit a letter from Oregon Public Utilities Commissioner Joan Smith be included for the RECORD.

[From the Associated Press, Aug. 2, 1995]

UTILITY REGULATORS QUESTION HELD ORDERS—CONSOLIDATION LINK

(By Sandy Shore)

DENVER.— U S West Communications Inc.'s delayed new-service orders have increased 47 percent this year, and utility regulators blame it partially on the company's consolidated engineering operations.

Joan H. Smith, chairwoman of the utility Regional Oversight Committee, said her panel identified two common problems contributing to the delays.

"The committee speculates that it is the removal of engineers from each state and the current centralization of engineering services in Denver that are causing the problems," she said in a June 9 letter to Scott McClellan of U S West.

U S West spokesman Dave Banks said the consolidation did not cause the problems.

"The intent of going through the re-engineering effort is to do just the opposite of what regulators might be saying," he said. "I think the problem is more of a result of the fact that we haven't been able to complete our re-engineering process in total yet."

For more than a year, U S West has battled customer-service problems, ranging from persistent busy signals at business offices to delays of months and, in some cases years, in filling new-service orders.

The company has said the problems were caused by unprecedented growth in the Rockies, which occurred as it launched a re-engineering program to consolidate work centers, cut jobs and upgrade equipment.

As part of that re-engineering, U S West last month opened the Network Reliability Center in Littleton, which houses employees and equipment needed to monitor the 14-state telephone network.

In a June 30 letter to Smith, Mary E. Olson, a U S West vice president in network infrastructure, said the major cause of engineering delays has been the company's inability to readily access updated records on the network plant.

The company hopes to complete mechanization of that information by year-end, she said.

When the consolidation occurred, Olson said many engineers declined to transfer, which caused some delays, but the center is 95 percent staffed.

At the end of June, U S West had 3,588 held orders new-service requests delayed more than 30 days. That compared with 4,406 at the end of June 1994; 1,797 in January and 2,443 in March.

The largest increase occurred in Utah, where held orders reached 422 at the end of June, up from 197 in June 1994. Increases also were reported in Idaho, Minnesota, Nebraska, Utah and Washington.

Held orders decreased in Arizona, Colorado, Iowa, Montana, New Mexico, North Dakota, Oregon, South Dakota and Wyoming.

U S West exceeded its company goal of answering within 20 seconds at least 80 percent of the calls to residential telephone service office. It answered within 20 seconds 75.5 percent of the calls for residential repairs; 79.9 percent of for business repairs; and 72 percent to business service offices.

The regulators also have seen an increase in delayed repair orders and an increase in consumer complaints across U S West's 14-state region.

"Held orders are the biggest problems," said Montana regulator Bob Rowe. "Some of the problems concerning access to the customer-service centers have seen some real improvements."

Banks of U S West said, "We're not exactly where we want to be, but again, June is a much busier season for us." The numbers "are basically going to be higher in the summer months because we have much more demand for service," he said.

U S West spokesman Duane Cooke the company has scheduled 250 major construction projects in Utah this year and increased its capital improvement project to nearly $100 million to offset the problems.

It is kind of ironic because the re-engineering process designed to improve customer service in the short-term has aggravated the situation," he said. "But, now we're starting to see the benefits of re-engineering."

For example, the consolidated engineering group can complete work on a major construction project in three months to four months, compared with a year to 18 months previously.

OREGON PUBLIC UTILITY COMMISSION,
Salem, OR, July 19, 1995.

Hon. RON WYDEN,
U.S. House of Representatives, Longworth Office Building, Washington, DC.

Re H.R. 1555 [Quality of Service].

I write to you about H.R. 1555, the telecommunications deregulation bill, as a member of the Regional Oversight Committee (ROC) for U S WEST. Representing a state served by U S WEST, you should be aware of the effect H.R. 1555 may have on the quality of Oregon's phone service. I urge your support for stronger service quality protections, as suggested below.

The ROC was formed as a result of state regulatory concerns about affiliated interest transactions and cross-subsidy issues arising out of the Modification of Final Judgment (MFJ) that divided the nationwide telecommunications monopoly into separate regional companies. The ROC assists state commissions to perform their duties through positive, open relationships in a cooperative process. Since its creation, the ROC has identified other regulatory issues of mutual interest to state regulators, including privacy, competition, and service quality.

The prolonged deterioration in U S WEST's service quality and the opportunity to strengthen the language in H.R. 1555 related to service quality prompted me to write to you. Declines in service quality have occurred because U S WEST (and other RBOCs) have reduced and reassigned staff. Technical staff needed to maintain service quality were centralized. Total staffing was reduced. The result has been a marked increase in consumer complaints and unacceptable delays for consumers trying to obtain service.

Currently, H.R. 1555 specifically allows states to consider compliance with state service quality standards or requirements when reviewing statements from local exchange carriers (LEC) that they are in compliance with requirements set forth in Section 242 of the bill. State Commissions appreciate the inclusion of service quality considerations in the bill. However, the particular section in which service quality considerations currently reside lacks enforcement mechanisms. Disapproval of a statement submitted by a LEC, whether the disapproval is issued by a state or by the FCC, carries with it no penalty.

In contrast, enforcement authority with respect to many of the same conditions under Section 245 (Bell operating company entry into interLATA services), allows for three enforcement mechanisms that can be used by the FCC: an order to correct the deficiency, a penalty that may be imposed, or possible revocation of the company's authority to offer interLATA services.

From our work, we know that service quality is especially important to customers. States need clear authority, with a means of enforcement, over service quality issues in order to be effective.

The Senate bill (S. 652) allows states to require improvements in service quality of Tier 1 carriers (which would include RBOCs) as part of a plan for an alternative form of regulation, when rate of return regulation is eliminated. The Senate bill lists many possible features of a state "alternative form of regulation" plan that would provide ongoing consumer protection from potential adverse effects of the change in the way companies are regulated. The language of the Senate bill could easily be included in H.R. 1555 by changing the existing Section 3 to Section 4, and including the Senate language as a new Section 3. (See attachment.) I support this modification.

I urge your support for such an amendment.

We sent this to the House delegation.

JOAN H. SMITH,
Chairman.

PROPOSED AMENDMENT TO H.R. 1555

Including the attached language in H.R. 1555 would make it clear that states have the authority to respond to local conditions and take action to protect consumers when necessary. The plan for an alternative form of regulation could include penalties for failure to meet service quality standards. While the transition to a full competitive marketplace for telecommunications services is a goal that we all share, consumer protection in the present is an important consideration that should not be ignored in our enthusiasm for the future.

(3) THE NEW REGULATORY ENVIRONMENT

(A) In instituting the price flexibility required in this section the Commission and the States shall establish alternative forms of regulation that do not include regulation of the rate of return earned by such carrier as part of a plan that provides for any or all of the following—

(i) the advancement of competition in the provision of telecommunications services;

(ii) improvement in productivity;

(iii) improvements in service quality;

(iv) measures to ensure customers of non-competitive services do not bear the risks associated with the provision of competitive services;

(v) enhanced telecommunications services for educational institutions; or

(vi) any other measures Commission or a State, as appropriate, determines to be in the public interest.

(B) The Commission or a State, as appropriate, may apply such alternative forms of regulation to any telecommunications carrier that is subject to rate of return regulation under this Act.

(C) Any such alternative form of regulation—

(i) shall be consistent with the objectives of preserving and advancing universal service, guaranteeing high quality service, ensuring just, reasonable, and affordable rates, and encouraging economic efficiency; and

(ii) shall meet such other criteria as the Commission or a State, as appropriate, finds to be consistent with the public interest, convenience, and necessity.

(D) Nothing in this section shall prohibit the Commission, for interstate services, and the States, for intrastate services, from considering the profitability of telecommunications carriers when using alternative forms of regulation other than rate of return regulation (including price regulation and incentive regulation) to ensure that regulated rates are just and reasonable.

Mr. HYDE. Mr. Chairman, everybody has been thanking everybody around here, and I have kind of missed out, so I want to take this time to thank the staff: Alan Coffey, Joseph Gibson, Diana Schocht, Patrick Murray, and Dan Freeman on our side, and if I knew the names of the staff on the other side, maybe next round I will include them.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Ladies and gentlemen, in general, I think that this is a magnificent step forward, but I would like to concentrate on the Achilles heel of this bill, and that is the manager's amendment. The whole point, to me, of this telecommunications bill is that it will encourage investment. If it does not encourage investment, I do not think it opens up the opportunities for this country, and, frankly, has this tremendous job creating potential which is there.

Originally, Mr. Chairman, the wording was that the RBOCs were forced to have actual competition in their local areas before they reached out for the long-distance. Now that no longer is there, and that worries me. I think that is a mistake. I think it is counterproductive.

To prove my point, here is the report from Merrill Lynch, which talks about the wonderful opportunities for investing in some of the RBOCs, because the cash will be up, the earnings per share will be up, the dividend potential is up, and, therefore, it is a good opportunity. And why? Because investors should know that, quite positively, capital expenditures could decrease by as much as around 25 percent. That is not the point of this bill.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I would like to just speak very directly to the problem of seven Bells going into long-distance, because there is a serious problem with the Bell entry into long-distance. The core rationale for the massive antitrust lawsuit by the Justice Department that began in the 1970's and settled in 1984 was that the Bell system was using its local exchange monopoly to impede competition in the long-distance business.

Basically, the Bell system was cross-subsidizing and discriminating in favor of their long-distance business. This is the biggest antitrust suit tat has ever been brought. We are now dismissing the courts from it and deregulating at the same time; and, now, we suggest further that we defang the one regulator, the antitrust division of Justice, which, I think, is moving us in exactly the wrong direction to create business, to encourage diversity and to stimulate competition.

Because of the concern that the seven baby Balls would continue the same anti-competitive behavior, Mr. Chairman, the consent decree barred them from entering the long-distance business unless they could prove that there was "No substantial possibility" they could use their monopoly position to impede competition.

The truth is, Mr. Chairman, very little has changed since 1984. The Bells still have a firm monopoly over the local exchange market, and if they were allowed in long-distance without any antitrust review, they could use their monopoly control to impede competition and harm consumers. If we are to prevent this from occurring, we need to make sure that there is a Department of Justice antitrust review role, more of which will come on our amendment.

Now, Mr. Chairman, the administration has already sent an advisory that this bill will sustain a veto in its present form because of, principally, the manager's amendment, some 20 to 30 changes strewn throughout the commerce product that came to the floor in the form that it is in now.

What are we going to do, Mr. Chairman? Is there any way that we can get together? Does this have to be a train wreck? The President is going to veto the bill. Unless we make some sensible adjustments, I think that this is going to end up for naught, and we are going to be sent back to the drawing board. We did this once in the last Congress and now here we are doing it again.

I urge, Mr. Chairman, that some consideration to these important amendments by given by the Members of the other side.

I would like to thank, Mr. Chairman, my staff. They have played a very important role in this matter. My staff director, Julian Epstein, Perry Apelbaum, Melanie Sloan, and I do know the names of the other staff Members on the other side, and I salute them for their good work as well.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Before recognizing the gentleman from Virginia [Mr. BLILEY], let me, just for the edification of the Members, announce the time remaining.

The gentleman from Virginia [Mr. BLILEY] has 10 minutes remaining, the gentleman from Michigan [Mr. DINGELL] has 9½ minutes remaining, the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] have 6½ minutes remaining.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT], a member of the committee.

(Mr. HASTERT asked and was given permission to revise and extend his remarks.)

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding me time. I urge my colleagues to support the Communications Act of 1995.

It is time to move forward with the most deregulatory and progressive communications legislation Congress has considered in over a decade. The Communications Act of 1934 is a dinosaur that just can't keep pace with the exploding information and communication revolution.

Communications industries represent nearly a seventh of the economy and will foster the creation of 3.4 million jobs over the nest 10 years. Thus, every day we delay passage of H.R. 1555, we stifle competition and prevent the creation of these new jobs. If we do not act, the cost to our Nation's economy will be $30 to $50 million this year alone.

As a member of the Commerce Committee, I have been closely involved with drafting this legislation.

This bill provides the formula for removing the monopoly powers of local telephone exchange providers to allow real competition in the local loop. The long distance companies came to us early on with a list of areas (such as number portability, dialing parity, interconnection, equal access, resale, and unbundling) that give monopolies their bottleneck in the local loop. We agreed to remove the monopoly power in each and every one of those areas in our bill.

What's more, we included a facilities based competitor requirement. This means there must be a competing company actually providing service over his or her own telephone exchange facilities. Just meeting the checklist isn't enough—there must be some proof that it works. We've got that in this bill.

Bringing competition to the local loop is the best thing we can do for consumers. They will receive the twin benefits of lower prices and exposure to new and advanced services. Every day we delay consideration of this bill is a day telephone customer are denied choice of service providers and the benefits that go along with it.

The bill is much larger than the Bell operating company/long distance company fight. The bill is supported by the cable, broadcast, newspaper, and cellular industries. Taxpayer and consumer interest groups such as Citizens for a Sound Economy also support the bill. This is broad based support that we should not ignore. Therefore, I urge my colleagues to vote for H.R. 1555.

□ 0145

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank my good friend, the gentleman from Louisiana, for yielding this time to me. I also want to echo the comments of some of the other speakers made in thanking Chairman BLILEY and Chairman FIELDS. They have been two very accommodating chairmen in trying to reach some commonality on many of the issues that this massive bill deals with. Unfortunately, I have been unable at any level to support this bill, and continue my opposition of the bill.

Let me just say I have a little different perspective I think. As many of the Members who were talking on the rule and who also have been speaking during general debate have talked about, we have already seen the massive amounts of merging that has been going on in anticipation of this bill. We have seen the Disney buyout of Cap Cities-ABC for $19 billion. We have seen Westinghouse Broadcasting $5 billion buyout of CBS.

I worked for Westinghouse Broadcasting for 14 years before coming here, so I know a little bit about the company. I do not have any belief that Westinghouse is an evil corporation or that they have any bad plans. In fact, I have fed my children and paid my rent for many years from the fruits of my labor with that company.

But what really concerns me is the fact that we are beginning to see the formation of what I would call information cartels. Only the largest corporations are going to be able to own these media outlets. In fact, when you start to talk about the fact that you can own the newspapers, as so many speakers have talked about, and the radio and TV stations and the cable, my question is this: Who in this House among us, if we live in a market where that takes place, will be free to cast a vote of conscience on a matter in which the person who controls that information cartel in our district has a fiduciary interest? How will we be free to do that?

How can we look each other in the eye and say, "Well, I will cast my vote the way I want to"? What is your recourse? How do you get the information out back there? That person controls all the media. You are certainly not going to use frank mailing, because we have cut all that out.

I just simply think there are so many things wrong with this, and hope, as the debate goes on, we can bring more of the problems out, because we have many problems. I urge Members not to support the bill.

Mr. HYDE. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman for New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to speak on the manager's amendment which will be offered by the gentleman from Virginia sometime later. And I do so regrettably, because I rise in strong opposition to it. But first, I want to commend the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] on the enormous effort they have put forward in bringing this bill to the floor.

Mr. Chairman, I represent nearly 20,000 people who are employed in the telecommunications industry. This bill will directly impact their lives, professions, and the local economies which they support.

And I thought the bill that was reported by the Committee by a vote of 38 to 5 was a balanced bill. But the changes in the 66-page manager's amendment would dilute the competitive provisions in the original bill and would tilt the playing field in favor of the local exchange companies. So I will be opposing the manager's amendment.

However, this bill impacts more than just the people who work in the telecommunications industry. As many have said here tonight, our actions will impact every American citizen and we must remember them—our constitutents—in this debate.

Yes, this is an historic bill which will guide this multibillion dollar industry into the next century. But we need to understand that the results of this profound debate will enter into every facet of our personal and professional lives financial and otherwise.

And that is precisely why I oppose the manager's amendment. We should debate these substantial changes for longer than a half hour because they do represent a clear departure from the original bill. I would urge a no vote on the manager's amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Ohio [Ms. KAPTUR], a very able Member of the House.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to H.R. 1555. Here we are in the middle of the night considering the most sweeping rewrite of communications legislation in the last half century. I have to say to all the gentleman that have been complimented this evening for their marvelous footwork in conducting this debate at 2 a.m., I, as one Member, not serving on the committees of jurisdiction, am appalled that those people who would raise questions, like myself, would have 30 minutes, 30 minutes, to try to deal with legislation of this magnitude.

Mr. Chairman, there are times in my career when I have been very proud of this House. One of those times was when we debated the Persian Gulf War. I think our estimation went up in the minds of the American people.

There have been times when I have been very ashamed of this House, certainly during the S&L debate, brought up on Christmas Eve at midnight when it was snowing outside, or the Mexican peso bailout, where we did not fulfill our constitutional obligation.

I feel the same way this evening on this particular bill. I feel muzzled as a Member of this body, and I am ashamed of this institution. There has been enough lobbying money spread around on this bill, over $20 million, to sink a battleship, and it has been spread on both sides of the aisle.

This bill is not going to result in full competition. Are we kidding ourselves? It is going to result in full concentration, and the only question I have in my mind is how fast a pace that will occur at.

In my district, what will happen is the single newspaper, that is owned by a very wealthy and well-meaning family, will soon buy out the television stations, because they already own the cable stations anyway. They will probably go after all the radio stations. I really do believe in free press in this country and I really do believe in competition. This bill will not result in that.

I would say with all due respect to the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] and the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] I guess Mr. CONYERS. I guess I have to kind of leave him out of this equation, because his committee was absolutely resolved of all responsibilities in this, and that is the reason I am here at 2 a.m. in the morning.

Mr. HYDE. Mr. Chairman, if the gentlewoman will yield, if you are leaving the gentleman from Michigan [Mr. CONYERS] out, could you leave me out too?

Ms. KAPTUR. Mr. Chairman, I would say to the gentleman from Illinois [Mr. HYDE], I was hoping the gentleman would have a little more influence, because I think he is a man of very good intentions. But I wanted an opportunity on this floor to have time to debate on the foreign ownership provisions. I will not be given that opportunity. There will not be an opportunity to offer amendments. I think the neutering of the Justice Department is an absolute abomination, when we see the possibilities for concentration in this bill.

So as I leave this evening to drive home in my car, I find it a complete abomination, and I am ashamed of this House this evening. With a $1 trillion industry, with the rights of free press at stake, and competition in every one of our communities hanging in the balance, to be forced into this girdle, where we are only allowed 30 minutes during general debate, and then we will be put off on three little amendments tomorrow, maybe we will devote an hour or less to each of those, this is not the best that is in us.

I feel tonight as I did during the savings and loan debate, during the Mexican peso bailout, and probably during GATT as well, that we are truly being

muzzled, and that is not what representative democracy is all about. I feel sorry for America tonight.

Mr. Chairman, here we are in the middle of the night, considering the most sweeping rewrite of communications laws in 60 years. The telecommunications industry represents 1/7 of our economy and is a trillion dollar industry. At stake is control of the airwaves and the information pathway into every American home. Not even the many appropriations bills that we have been debating for the past month before this Congress, will have a larger effect on consumer's pocketbooks. Consumers are promised choice and lower prices. Choice at what cost? Instead of creating competition by lowering prices and improving service, this bill allows the three monopolies to become one giant concentrated monopoly. It allows the 3 major players (cable, long distance, & local telephone) to partner or swallow potential competitors in each others business. The concentration could result in one company controlling the program's content, your local television stations, your cable company, your local telephone company, your long distance company, your local radio station, and your newspaper. Thus, controlling every aspect of access to information a consumer has and obliterate the likelihood of true competition.

This bill also promises job creation. I doubt it. Last time I checked, we do not even produce a single television or telephone in our country. In addition, I have very serious concerns about the foreign ownership provisions. Currently, foreign ownership in common carriers (such as telephone, cellular, broadcast television and radio) cannot exceed 25%, except in cable where there is no restriction. At a time when our trade deficits are at record levels, we are throwing open media markets to foreign ownership.

This bill would directly repeal foreign ownership restrictions on everything except broadcast television, which remains at 25%, thus allowing foreigners to control what America sees and should think and what America does not see. The bill leaves up to USTR crucial determinations regarding the rights of foreign interests to gain even more control. Why trust the USTR? That area of our government that has brought us record trade deficits for over a decade and can't even get our rice into Japan.

I also find it very disturbing that the telecommunications industry has spent $20 million to lobby for this bill. To find out the real winners in this bill one only has to follow the money. This bill is just another reason we need real campaign finance reform in our political process.

Moreover, this bill neuters the ability of our Justice Department to enforce the anti-trust laws against these giants who want to control every aspect of what you see, hear, and know. The bill basically turns our Justice Department Anti-Trust Division into paper pushers with no real enforcement power.

I welcome some deregulation to create competition and diversity in these monopolistic industries. However, deregulation is fine. No regulation is anti-competitive and anti-democratic.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STERNS], a member of the committee.

(Mr. STERNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in strong support of H.R. 1555, the Communications Act of 1995.

By the early 21st century, analysts predict the global information industry will be a $3 trillion market. That's an amazing figure when you consider the entire U.S. economy today is about $6 trillion. Make no mistake: If we fail to pass this bill, we will have forfeited a golden opportunity for the U.S. economy to catch the wave of this revolution.

It makes no sense to keep U.S. communications companies penned up in the starting gate as the global telecommunications race is set to begin. My colleagues, the Communications Act of 1995 is, quite simply, the most sweeping reform of communications law in history. And it should be. I direct your attention to the timeline. When the first Communications Act passed in 1934, we had the telegraph, the telephone and the radio. That's it. We didn't even have the black and white television set yet. Do you really want the communications industry to be governed by communications law that was enacted when we had this radio?

The communications world as it existed in 1934 is barely recognizable today. Again, I direct your attention to the timeline. We have experienced an explosion of technology. In the last 50 years, television, AM and FM radios, computers, faxes, satellites, pagers, cable TV, cellular phones, VCRs and other wireless communications have all joined the communications mix. And that's just the beginning. Video dial-tone and high definition television are poised at the entrance of the telecommunications arena, while countless other new technologies are waiting just over the horizon.

At this moment in history, when the communications revolution is racing forward, we still have not revamped communications laws written 60 years ago. To say our communications laws are out of sync with the technological revolution underway in America is an understatement.

The question we face today is not whether we can afford to deregulate the telecommunications industry, it is whether we can afford not to. I know of no sector of our economy so shackled by needless regulations as the communications industry. But if we pass this bill, the economic boom it will spark will amaze even its supporters.

My colleagues, it is not the business of Government to preordain winners and losers in the communications industry. Rather, at the starting line of the communications race, Government should step aside and allow the most dynamic sector of our economy to enjoy what most other segments of our economy take for granted, the freedom to compete. I urge all of my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Arkansas [Mrs. LINCOLN].

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Chairman, I thank the gentleman for yielding me time.

I too would like to add my thanks to Chairman BLILEY and Chairman FIELDS, as well as to the ranking members, Mr. DINGELL and Mr. MARKEY, for their diligence and persistence in moving ahead on this issue. This is a very critical issue to rural America. As we move ahead in this age of information and technology, moving into a worldwide economy, it is absolutely critical for rural America to be able to have the capabilities to compete. Supporting this bill is important to preserve the quality of life in rural America, while bringing improved health care, educational opportunities and jobs.

Early in the debate of this issue, I went to Chairman FIELDS and asked him very honestly to let me be a part of the discussion in terms of rural issues. He was very willing and interested in obliging to that. We worked hard to make sure that rural America saw a fair shake in this.

In terms of educational opportunities, I am delighted to hear from Chairman BLILEY that he is willing to work with the gentlewoman from California, Ms. LOFGREN, in terms of educational opportunities for schools.

I recently spoke with a teacher from my district who is a part of an important program sponsored by National Geographic to bring geography into the lives of children in areas where they are not capable or do not have the opportunities otherwise to be a part of that. They were shocked to find that in rural America very few of the schools and some of the other learning institutions, as well as many of the teachers, did not have the technology or equipment to be able to bring the importance of geography into the classroom through the Internet.

This bill will help us bring that reality to rural America. It encourages new technologies like fiber optics, which will allow two-way voice and video communication. The information highway is critical to all of us, but for those of us in rural America, the entrance ramp is absolutely mandatory. Doctors at the Mayo Clinic can read x rays from Evening Shade, AR. Children in Evening Shade can dial the Library of Congress for information for a term paper. Parents can work from their home in Cloverbend with folks in New York.

I urge my colleagues to support this. Opponents may want to stay in the past and may be afraid of competition, but we must move ahead.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say Aloha Oahu. It is 9 o'clock in the beautiful Hawaiian Islands where America's day almost begins, and I just wanted those lucky folks in that beautiful climate to know that we are here thinking of

them. To my good friend from Michigan who did know the names of his staff, for which I should not be surprised because he would know those details, I just thought he missed George Slover, who has returned to the staff, having been away for a little while, and we welcome him, even though he serves the minority.

Mr. Chairman, I rise in support of H.R. 1555, the Communications Act of 1995. This legislation represents the most sweeping communications reform legislation to be considered in this House in 60 years. It will establish the ground rules for telecommunications policy in our Nation as we proceed into the 21st century. If enacted, this measure will have much to say about the future health of the American economy, America's international competitiveness, and expanded job opportunities for American workers.

However, it should be pointed out that H.R. 1555 does not take the approach I would have preferred, and I would like to take a few moments to discuss the role of the Judiciary Committee in the development of this legislation. The Judiciary Committee took a fundamentally different approach from that of the Commerce Committee. I believe that the entry of the regional Bell operating companies into the long distance and manufacturing businesses is an antitrust question. After all, it is an antitrust consent decree, commonly known as the modification of final judgment or MFJ, that now prevents them from entering those businesses, and it is that decree that we are now superseding. Based on this fundamental belief, I introduced H.R. 1528, the Antitrust Consent Decree Reform Act of 1995 on May 2, 1995. H.R. 1528 proposed to supersede the MFJ and replace it with a quick and deregulatory antitrust review of Bell entry by the Department of Justice.

On the other hand, the Commerce Committee understandably took a Communications Act approach. H.R. 1555 requires the Bell operating companies to meet various federal and state regulatory requirements to open their local exchanges to competition before they are allowed into the long distance and manufacturing businesses. For example, the Bell companies are required to provide interconnection to their local loops on a nondiscriminatory basis. They must unbundle the services and features of the network and offer them for resale. They must also provide number portability, dialing parity, access to rights of way, and network functionality and accessibility. Both the FCC and the state commissions will review the Bell companies' verifications to determine that they have met these regulatory requirements. In particular, there must be an actual facilities-based competitor in place before the Bell companies can get into long distance and manufacturing.

In keeping with the long tradition of these committees sharing jurisdiction over the area of telecommunications, H.R. 1528 was referred primarily to the Judiciary Committee, and secondarily to the Commerce Committee. Likewise, H.R. 1555 was referred primarily to the Commerce Committee, and secondarily to the Judiciary Committee.

I want to stress that both the antitrust approach taken in H.R. 1528 and the regulatory approach taken in H.R. 1555 are valid approaches to the problem of how to end judicial supervision of the telecommunications industry under the MFJ. My preference was the antitrust approach. Again, that is because I believe entry into new markets to be an antitrust issue, not a regulatory issue. However, despite extraordinary cooperation between the Commerce and Judiciary Committees, the two different approaches are not easily reconciled without creating precisely the kind of regulatory overkill that we are trying to eliminate in this bill. Thus, it was necessary to choose one or the other of these approaches.

Let me now describe the antitrust approach of H.R. 1528 and its consideration in the Judiciary Committee. Under H.R. 1528, the Bell companies would be able to apply to the Department of Justice for entry into the long distance and manufacturing markets immediately upon the date of enactment. The Department of Justice would then have 180 days to review the application under a substantive antitrust standard—if DOJ did not act within this tight time frame, the application would be deemed approved. Unlike the MFJ, the burden or proof would be on DOJ. Specifically, Justice would be required to approve the application unless it found by a preponderance of the evidence that there was a dangerous probability that the Bell company would use its market power to substantially impede competition in the market it was seeking to enter. DOJ's decision would then be subject to an expedited appeal to the Federal Court of Appeals in the District of Columbia. At the most, the procedure would take 11 to 13 months. H.R. 1528 also included the electronic publishing provisions that were included in last year's telecommunications bill and which passed the House by an overwhelming vote.

H.R. 1528 received broad, bipartisan support within the Judiciary Committee. The full Judiciary Committee reported H.R. 1528 by a 29 to 1 recorded vote. However, subsequently we found that there was not broad support for a substantive Department of Justice role either within the rest of the House or from interested outside groups. Thus, while I still prefer the approach taken in H.R. 1528, I have decided that it would be futile to press that approach as an alternative to H.R. 1555—there simply is not sufficient support to make such an effort worthwhile. As I have already noted, the regulatory approach taken in H.R. 1555 is also a valid approach, and it is very difficult to reconcile the two approaches. If we do not pick one or the other, then we get right back into the interminable delays that we have faced under the MFJ.

I would emphasize that in deciding not to offer such an amendment and allowing H.R. 1555 to proceed to the floor without further Judiciary Committee proceedings, I am not in any way waiving the Judiciary Committee's traditional jurisdiction in the area of antitrust law or telecommunications policy. The Judiciary Committee expects to have conferees on this bill, to participate fully in the conference, and to retain all of its existing jurisdiction over this area in future legislation.

In this connection, I note that later in the debate, the distinguished ranking member of the Judiciary Committee, Mr. CONYERS, will offer an amendment that will include some aspects of the bill as reported by our committee. Specifically, my friend from Michigan will offer the language of the antitrust test contained in H.R. 1528. However, the Conyers amendment also differs in important respects from our committee's bill. I will speak to those differences in greater detail when the Conyers amendment is debated. For now, I will simply point out that although the Conyers amendment would utilize the antitrust standard that was in H.R. 1528, it does not include the many procedural and substantive features that were central to my bill.

Despite my preference for the antitrust approach taken in my bill, I believe that H.R. 1555 is good legislation that will move America's telecommunications industry forward into the 21st century. In the development of the manager's amendment to be offered by Chairman BLILEY, the Judiciary Committee has worked closely with the Commerce Committee to improve H.R. 1555 in areas that are of particular concern to, and under the jurisdiction of, the Judiciary Committee. Let me now briefly explain those changes which are included within the manager's amendment.

First, the manager's amendment does include a consultative role for the Department of Justice. Under this part of the amendment, DOJ will apply the antitrust standard contained in H.R. 1528 to verifications that the Bells have met the competitive checklist contained in H.R. 1555. After applying the antitrust standard. DOJ will provide its views to the FCC and they will be made a part of the public record relating to the verification. Under this approach, the FCC will at least have the benefit of a DOJ antitrust analysis before the Bell companies are allowed to enter the currently restricted lines of business.

Second, we have made improvements to the electronic publishing provisions of the bill. Under the manager's amendment, the Bell companies will be required to provide services to small electronic publishers at the same per-unit prices that they give to larger publishers. This will allow small newspapers and other electronic publishers to bring the information superhighway

to rural areas that might otherwise be passed by. Also, we have broadened to definition of basic telephone service to ensure that the Bell operating companies are not able to use the more advanced parts of their networks to skirt the intent of the electronic publishing provisions.

Third, we have made various changes to title IV of the bill. Title IV addresses the effect of the bill on other laws. Those changes that we have made to the MFJ supersession language, the GTE consent decree supersession language, and the wireless successors language are technical improvements to clarify the language and they are not intended to change the substantive meaning of these provisions.

Other changes to title IV are substantive. State tax officials have complained that section 401(c)(2) of H.R. 1555 would unintentionally preempt State tax laws. Because of their concerns, this language us being stricken in the manager's amendment. We are also adding language that expressly provides that no State tax laws are unintentionally preempted by implication or interpretation. Rather, such preemptions are limited to provisions specifically enumerated in this clause. In addition, we have also amended the local tax exemption for providers of direct broadcast satellite services to make it clear that States may tax such services and rebate that money to the localities. This change balances the need to protect State sovereignty against the need to protect the direct broadcast services from the administrative nightmare that would result from subjecting them to local taxation in numerous local jurisdictions.

Fourth, we have changed the restrictions on alarm monitoring to make it clear that those Bell companies that have already entered the alarm monitoring business will be allowed to continue in that business, and to manage and conduct their business as would any other participant in that industry. That is basic fairness to any Bell company that chose to enter the business when it was perfectly legal to do so. Their investment decision should not be undercut by a retroactive change in the law.

Fifth, law enforcement and national security agencies have expressed concern about the provisions of the bill that relate to foreign ownership of telephone companies. In particular, these agencies are rightfully concerned that there should be a national security review before a foreign national or foreign government can have access to the core infrastructure of America's telecommunications system. Cooperation among the agencies and the judiciary and Commerce Committees has led to language in the manager's amendment that addresses these concerns.

Finally, I have included language within the manager's amendment to address a burgeoning problem in the fast advancing telecommunications markets. Much to the dismay of concerned parents both softcore and hardcore pornography is freely available on the Internet. Virtually anyone with a home computer hooked up to that remarkable technology can get pictures, movies—some with sound—and explicit descriptions of the most vile and base aspects of human sexuality.

Although the law currently outlaws the interstate transportation of obscenity for purposes of sale or distribution, as well as its importation, this has not stopped the corruption of one of the greatest technological advances in our modern society. Computerized depravity continues unabated, largely because of the confusion over whether the obscenity statutes include the transportation and importation of the obscene matter through the use of a computer. Furthermore, the law currently does not address the issue of sending indecent material—by contrast to obscene matter—by computer, to a child.

It is time to end this dissemination of smut that only serve to debase those depicted and to defile our children.

Consequently, my language makes it a crime to intentionally communicate, by computer, with anyone believed to be under 18 years of age, any material that is indecent. Indecency is defined in the provision as any material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

This provision is entirely consistent with Supreme Court holdings in this area of law, because it is narrowly tailored to effectuate its particular purpose of protecting minors from directed communications that involve sexually or excretorily explicit functions or organs. The first amendment, as construed by the Supreme Court, requires this much. The Court instructs that Congress must be careful not to reduce the adult population, which is guaranteed a right of access to simply indecent material, to the status of children. But, the first amendment recognizes that the Government has a compelling interest in protecting minors from both obscenity and indecent materials. The Court has carved out a slim area in which we can legislate on these matters. And, we have managed to stay within those confines through this provision. The clarification of the current obscenity statutes, simply adds to the myriad of ways in which the obscenity can travel in, or be transported, or be imported. This section includes the word computer in those provisions to make it a certainty that Congress intends to regulate and prohibit one's access to obscenity by means of computer technology.

Mr. Chairman, I want to thank Commerce Committee Chairman BLILEY and Communications Subcommittee Chairman FIELDS and their staffs for their cooperation in addressing the Judiciary Committee concerns.

Mr. Chairman, as America advances into the 21st century, this telecommunications legislation is tremendously important. It is my firm belief that this bill means more jobs for Americans and will greatly enhance American competitiveness worldwide. It is high time that we replace this overly restrictive consent decree with a statute that recognizes the telecommunications realities of the 1990's. I intend to support H.R. 1555 and the manager's amendment because it will accomplish these goals.

□ 0200

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 2½ minutes.

Mr. CONYERS. Mr. Chairman, I want to commend the chairman of the Committee on the Judiciary for his comments about our work product in the committee, and his candor is always refreshing, as usual.

I too believe it is a superior work product. But I would urge him not to be worried about the fact that the lobbyists may not like it and there is not a lot of reported support for it. Press on. If he is doing the right thing, more and more people will begin to recognize the inevitability of the logic and the truth and the fundamental correctness of his position. And I know my friend does not give up easily, and I cannot imagine the forces that may have overwhelmed him into the uncomfortable position that I imagine him to be in this morning.

But even if we have used our bill as the base text with the manager's amendment, I still would not be able to come to the floor tonight to tell my colleagues that they ought to support this bill because the people who use telephones are going to end up paying $18 billion in rate increases during the first 4 years of this law's existence. That is projected by the International Communications Association. The people who subscribe to cable TV are going to find $5 to $7 per month average increases in their cable bill. That is according to the Consumer Federation of America. The people on fixed incomes, older Americans, will be put at particular risk by rising basic rates for phone and cable.

So I cannot support the bill, the base bill, H.R. 1555. With 30 or 40 phantom changes in the manager's amendment, I think we should be rather embarrassed by what we are doing here, no matter what time it is in Hawaii.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has 5 minutes remaining and is entitled to close the debate.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. WHITE], a new member of the committee.

Mr. WHITE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, when I think about this bill, I always think about the year 1989. If we remember reading in the newspapers in 1989, we will remember a lot of hand wringing going on about high definition television. That was the time when the Japanese were ahead of our country in developing high definition television. There are a lot of people who said that we should follow their example, that our government should decide the course that we should take, should get our industry organized, and we should all follow that course, and maybe somehow, some way we would catch up with the Japanese.

Mr. Chairman, if we had followed that advice in 1989, we would not be here today. It was in 1990 that Americans, without the help of the government, invented digital television which leapfrogged the technology that the Japanese were using and put us in the position we are in today. It is digital television and digitization of the entire telecommunications industry that led to what we are doing in this bill. It has taught us a very important lesson.

The lesson is that it is the people, not the government, who are going to make the best decisions about technology. As we like to say in my district, which is the home of Microsoft, no matter how many Rhodes scholars you have in the White House, they are never going to be smart enough to tell Bill Gates to drop out of Harvard and invent software industries.

No matter how many Rhodes scholars you have in the White House, they will never tell the next Bill Gates to drop out of whatever school he or she is in now and invent the next revolution in the telecommunication industry. What is the lesson? Under this bill, the market, not the government, is going to tell us what the next wave of technology is. We have heard some people say this bill is not perfect. I guess that may be true. But I can tell you, we have made it about as fair as we can make it.

It is close enough for government work. Although it is late at night and although I am about the last person to speak on this bill, I am proud to be here. I am happy to be here. I am proud of this bill. I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

I think it is important tonight, as we celebrate the work of Committee on Commerce and the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] in particular, we also give due credit to the incredible preliminary work done over the years by the gentleman from Michigan [Mr. DINGELL], the former chairman of the Committee on Commerce. Much of the work that is in this bill reflects efforts that were made over the years by Mr. DINGELL, and he deserves much credit for this bill tonight.

I rise in support of H.R. 1555. Recently the gentleman from Texas [Mr. FIELDS], and I had the opportunity to discuss telecommunications policy with government officials from several South American countries. During one of those discussions with the FCC counterpart in Chile, we asked that gentleman where in his country's communication infrastructure did they need the most investment, hoping to get some signal about where America and American companies could interact with that country in doing those investments.

The gentleman who represents the FCC in Chile responded astonishingly. He said, That is not my business; it is up to the consumers and our companies to make those decisions.

He reminded us of a lesson we forgot in telecommunications policy for many years, that consumers and companies making choices in a free marketplace where competition governs instead of court orders and regulations set on high here in Washington generally benefits the consumer much more than the best laid plans of mice and men here in Washington, DC.

He reminded us about our own free enterprise system, and H.R. 1555 reminds us about the values of competition. It remarkably keeps the program access provisions we adopted in 1992 that has produced the satellites that are now sending direct broadcast television signals to homes all over America in rural parts of this country where cable never reached.

It has produced for us competition in areas where people only had one provider of television, one provider of telephones and all of a sudden now there are choices coming to them. This bill will produce more of those choices. It has the possibility of several million new jobs for Americans, as we develop these new technologies and the new choices for our citizens. It will reach rural areas that we have been trying to force companies to reach. It will reach them by the sheer force of the free market, because now with multiple services, it will be profitable to serve communities as small as 12 people, when we could not serve them with a mere telephone, even under universal service.

This bill will do more to bring us together as a country by linking us together with communication, education, information, recreational programming, data services, including medicine at home and education at home for people who never saw education.

This bill is a good bill. It deserves our endorsement.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] has 2½ minutes remaining.

Mr. DINGELL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I hope my colleagues were listening to the remarks of the distinguished gentleman from Louisiana about what this bill is going to do.

I want to commend my good friend from Virginia [Mr. BLILEY] the distinguished gentleman from Texas [Mr. FIELDS] my friend, the gentleman from Michigan [Mr. CONYERS] and our good friend, the gentleman from Illinois [Mr. HYDE] who is one of the finest Members in this body.

We have had a good debate. It has been an enlightening debate, an intelligent discussion of the legislation before us. I think that is important. I was rather troubled earlier about the ill will which we saw sprinkled around in the discussion. I think that was a bad thing. This legislation is extremely important not only to all of us individually and to our people but indeed to the future of the country.

It has been a long time since the modified final judgment was adopted. These have been bad times for telecommunications and for communications and for that industry. It also has had bad consequences for the country.

I want to repeat to my colleagues that this offers a chance now to utilize a good, new regulatory system which will enable us to begin to bring on new technology and to bring into play the forces of competition, which will serve all of our people both in terms of product and in terms of quality and in terms of cost. That is important. It also will open up the process.

I had been bitterly critical of the curious process which has gone on under the modified final judgment. It has been inadequate. It has been unfair, and it has been a closed process. The business of regulation of the telecommunications industry has gone on in a closed courtroom where no one could find out what was going on, no one could participate in the pleadings. No one could appear without the leave of the court and the people who were the principal beneficiaries of that particular modified final judgment. It is important that we get rid of that. And even if this were a bad bill, I would say that almost any price is worth paying to get rid of a system which is so basically unfair.

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It is so basically unseemly and so inconsistent with the system that this country has, so closed to innovation, and so closed to the participation by the people whose interests are affected by it, and so controlled by the beneficiaries of it. This is one of the curious examples where government has been controlled for the benefit of the people who did in fact do the governing, AT&T, the Justice Department, working with the judge. He was a good judge, but a bad process.

Mr. Chairman, I would urge my colleagues to support the amendment. I want to commend the staff which has worked, Mr. Regan, Ms. Reid, Mr. Ulman, and Mr. Michael O'Rielly, as well as my dear friend and colleague, Mr. David Leach, who have all worked

so effectively to put together the packages before us.

Mr. CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] is recognized to close debate.

Mr. BLILEY. Mr. Chairman, it is late. I want to commend our colleagues, particularly the ranking member, for his fine statement that he has just concluded. I also commend the ranking member of the Committee on the Judiciary, though we disagree on the policy. I want to commend the chairman of our subcommittee who has put in numerous hours to make this bill as balanced as we possibly can make it.

Mr. Chairman, I say to the White House who have not been involved with us that we welcome you to join us now as we prepare to go to conference. Bring us your concerns, sit down with us, and we will certainly consider any changes that you would suggest. Whether we will adopt them all, that is another matter. But we will certainly consider them, and I invite them to come forward.

Mr. Chairman, it has been an interesting debate, as the gentleman said, and I look forward to tomorrow when we will consider amendments to further perfect this bill, and then we will pass it and we will go to conference some time later this year. This is the way this process works. It is not a sprint, it is a marathon. We have had subcommittee, we have had full committee. We now are on the floor, and ultimately we will go to conference and we will come back with a conference report. That is the way it should be, Mr. Chairman, and I urge my colleagues to support his legislation and to help us craft it, make it even better as we go on with the process.

Mr. BILIRAKIS. I rise in strong support of the landmark legislation which we are considering today, and I want to commend my colleagues on the committees of jurisdiction for their hard work on this bill. H.R. 1555 is the culmination of years of work to overhaul Federal telecommunications policy and position America as a world leader in the dawning information age.

While this bill contains many important provisions, I want to address one area in particular—the issue of telemedicine. As Chairman of the Commerce Health Subcommittee, I have a special interest in this subject.

Although it is subject to different interpretations, the term "telemedicine" generally refers to live, interactive audiovisual communication between physician and patient or between two physicians. Telemedicine can facilitate consultation between physicians and serve as a method of health care delivery in which physicians examine patients through the use of advanced telecommunications technology.

One of the most important uses of telemedicine is to allow rural communities and other medically under-served areas to obtain access to highly trained medical specialists. It also provides a access to medical care in circumstances when possibilities for travel are limited or unavailable.

Despite widespread support for telemedicine in concept, many critical policy questions remain unresolved. At the same time, the Federal Government is currently spending millions of dollars on telemedicine demonstration projects with little or no congressional oversight. In particular, the Departments of Commerce and Health and Human Services have provided sizable grants for projects in a number of States.

Therefore, I drafted a provision which is included in the manager's amendment to require the Department of Commerce, in consultation with other appropriate agencies, to report annually to congress on the findings of any studies and Demonstrations on telemedicine which are funded by the Federal Government.

My amendment is designed to provide greater information for federal policymakers in the areas of patient safety, quality of services, and other legal, medical and economic issues related to telemedicine. Through adoption of this provision, I am hopeful that we can shed light on the potential benefits of telemedicine, as well as existing roadblocks to its use.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to H.R. 1555, the Communications Act of 1995. Although I believe that our telecommunications laws are in need of reform, I have serious concerns about certain sections of this bill, and about the manner in which it has been brought to the floor.

This is an important bill, because it will affect every time he or she picks up a phone or turns on the TV. It is incumbent upon us to consider it carefully and thoughtfully. I am concerned that this bill has been brought to the floor in a rush, following a process which was none-too-open.

My primary concern revolves around provisions in the manager's amendment regarding entry of local telephone service providers into the long distance market and vice versa. I never expected that the long distance companies and the local telephone companies would ever completely agree on any bill. But to formulate a manager's amendment that is vehemently opposed by one of the parties forces Members to choose between the two. It is the responsibility of the leadership to do everything possible to reconcile the differences between those affected by this bill, and I do not believe this has been done.

I have other concerns, including the potential of the bill to concentrate media ownership in a few hands and the bill's effects on radio and television broadcasting audience reach limits.

I am also concerned about the effect of the bill on State authority to regulate the costs of certain long distance calls within States. Many States have already taken steps to liberate such rates, and the bill would negatively affect these efforts. I share the concerns of the Governor of Florida and several other governors about this issue.

Mr. Chairman, we need to reform our telecommunications laws so that we can enter the 21st century governed by laws appropriate to the technology and services available to us. But this bill is not the vehicle that will best accomplish those goals. I say let's go back to the drawing board and try again.

Mr. LAZIO of New York. Mr. Chairman, the House shortly will consider H.R. 1555, the Communications Act of 1995. Among other things, this bill and its Senate-passed companion, S. 652, aims to ensure competition in the cable television industry as it expands into interactive voice, data and video services.

I wanted to bring to the attention of my colleagues in both bodies a serious and potentially dangerous situation that merits further study by Congress in the future, as it was not addressed by the legislation we are about to take up.

Curently, telephone systems provide a different sort of lightning or surge protection than is provided by the cable industry. Telephone companies have provided such protection through devices that instantaneously detect dangerous surges and direct them to ground. Cable companies do not have these devices and now only are required to ground their systems. As telephone companies branch out into broadband transmission services, they will continue to be required to protect the public from power surge and lightning hazards.

The National Electric Code does not require the cable industry to provide the same kind of surge protection to current and future cable users, even if cable companies will be providing the same kind of telephone service in the future that telephone companies now provide. I am told that the cable industry has made a commitment to do so if it does offer such telephone service, but it is an issue Congress should review.

I would urge my colleagues, particularly those in the Commerce Committee, to closely examine this potential problem and to hold hearings to make sure public safety will be adequately protected as our telecommunications industry goes through a period of unprecedented change.

Mr. BLILEY. Mr. Chairman, with that, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTART) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555), to promote competition and reduce regulation in order to lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, had come to no resolution thereon.

PRINTING OF OMISSIONS FROM RECORD OF JULY 31, 1995

(Consideration of the following 3 bills, H.R. 714, H.R. 701 and H.R. 1874 are reprinted as follows containing omissions from the RECORD of Monday, July 31, 1995, beginning at page H7996.)

ILLINOIS LAND CONSERVATION ACT OF 1995

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on National Security and the Committee on Commerce be discharged from further consideration of the bill (H.R. 714), to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

EXTENSIONS OF REMARKS

CONGRATULATIONS, RON RUHLAND

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BARCIA. Mr. Speaker, I rise today to offer my heartiest congratulations to Mr. Ron Ruhland on his appointment to the Michigan State Waterways Commission. Governor Engler could not have made a finer choice.

As a Member whose district includes more shoreline than most entire States, and with a district that includes a significant number of lakes, bays, and rivers, I have a great interest in waterways issues. The development and maintenance of harbors, channels, and docking and launching facilities is vital to thousands of people throughout my district. It is one of the key reasons why I sought membership on the Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee.

Ron Ruhland understands the waterways in Michigan's 5th Congressional District. Living so close to the area and continuing to enjoy the waterways himself, he has first-hand knowledge of the benefits and needs of our water resources. He is also an accomplished sailor and boatsman for 35 years, and serves as vice commodore of the Saginaw Bay Yacht Club.

As one of the seven members of the Michigan State Waterways Commission, many of us are looking to Ron to being a strong advocate for our needs. His reputation as a successful and innovative business owner, and a thoughtful Commissioner on both the Bay County Board of Commissioners and the Bay County Planning and Zoning Commission, make everyone who knows him confident that he will be a positive and active influence on the Waterways Commission.

I look forward to working with Ron in a partnership to maintain and improve Michigan's waterway resources for our residents and our many, many visitors. I urge you, Mr. Speaker, and all of our colleagues in wishing Mr. Ron Ruhland the very best as he undertakes this new and most important task.

TRIBUTE TO THE HONORABLE THOMAS E. MORGAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. HAMILTON. Mr. Speaker, it is with sadness that I bring to the attention of my colleagues the passing of Thomas E. Morgan, former Member of Congress from the State of Pennsylvania and former chairman of the Committee on Foreign Affairs, who died yesterday in his native Pennsylvania at the age of 88.

Doc Morgan served this institution with distinction for 32 years, beginning in 1944. For most of his career he was the only practicing physician serving in the U.S. Congress.

For 17 years from 1959 to 1976, Morgan was the able chairman of the Foreign Affairs Committee—renamed the Committee on International Relations during the 94th Congress. His stewardship was the longest of any chairman in the committee's history.

Doc Morgan presided over crucial debates on foreign assistance, arms control, the Cuba missile crisis, the Vietnam war, and relations with the Soviet Union. He led U.S. delegations to international meetings and parliamentary conclaves, and advised several Presidents and Secretaries of State.

Yet Doc Morgan never dwelt on his foreign policy expertise or the role he played in Washington's foreign policy deliberations. He simply referred to himself as a country doctor. He never lost his sense of humor. He never lost touch with his patients, whom he continued to see after he came to Congress. His priority in Congress remained the same throughout his career: to improve economic conditions for his southwestern Pennsylvania constituents.

The son of a Welsh coal miner, Doc Morgan remained close to his Monongahela River Valley roots his entire life. He returned to Pennsylvania upon his retirement but played a key role as chairman of the Permanent Joint Board on Defense—United States and Canada.

Our prayers and sympathy go to Doc Morgan's wife, Winifred, to his daughter, Marianne, and to other members of his family. They can be proud of his many accomplishments and of his dedicated service to his Nation. It was my distinct honor and privilege to work with Doc Morgan. He served his constituents, State and Nation with extraordinary distinction. He set a marvelous example of public service for all of us.

SALUTING FREEDOM FLIGHT AMERICA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BONILLA. Mr. Speaker, this year, the 50th anniversary of the end of World War II, we have much to be thankful for. As Americans, we are blessed to live in the greatest and most free Nation in the history of mankind. The freedom we enjoy today is the result of the sacrifices of millions of Americans during that war 50 years ago.

Not only must we honor those who sacrificed for our freedom, we must never forget the titanic global battle to protect freedom. On August 2 and 3 the people of El Paso will be honoring our great victory in a truly remarkable fashion when Freedom Flight America arrives.

Freedom Flight America is a coast to coast Journey featuring hundreds of World War II vintage aircraft. Some of the aircraft that wor the war—DC–3's, T–6s, F–4U Corsairs anc P–51 mustangs—will be on view. This remarkable display will entertain and educate the people of El Paso on the role of American airpower in the defeat of global tyranny. I salute the organizers of the event and extend my support for this undertaking.

God bless our airmen, young and old present and departed and God bless America

TELECOM BILL IS PRO-COMPETITION, PRO-JOBS AND PRO-CONSUMER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. TAYLOR of North Carolina. Mr. Speaker, this week—perhaps as early as tommorow—the House is expected to consider sweeping telecommunications legislation, H.R. 1555. This landmark regulatory reform bill will offer countless benefits to American consumers and open telecommunications markets to competition by eliminating layers of burdensome Federal regulations.

I would like to include an editorial from Friday's Washington Times for the RECORD. It sets out the reasons why the long distance carriers withdrew their support for H.R. [redacted] I hope that my colleagues will read this a[redacted] and I urge them to vote in favor of the bill [redacted] the manager's amendment.

[From the Washington Times, July 28, 1995]

WHO'S AFRAID OF THE BABY BELLS?

Up for a vote next week in the House is the long-awaited and hard-fought telecommunications legislation. Accordingly, the AT&T, MCI and Sprint coalition got down to the serious business of retail politics yesterday, busing and training thousands of their employees into the Capitol to flood members' offices and to demand that the telecom bill be changed to their advantage. Happily, that is not likely to happen.

the bill, as it originally emerged from Rep. Thomas Bliley's House Commerce Committee, was packed full of the long-distance companies' druthers. The package of goodies for AT&T, MCI and Sprint posed a big enough threat to competition that the Republican leadership had a talk with Mr. Bliley, who agreed that when the bill comes up for a vote next week he will offer what is known as a "Manager's amendment" stripping the legislation of the provisions expected to hobble the Baby Bells. With Mr. Bliley offering the amendment, it is expected to pass easily, which is why the long-distance coalition put the full-court press on yesterday.

For all the complexities of the bill, the basic issue dividing the Baby Bells from the long-distance group is fairly simple. Marketing studies done by both camps show that the big prize goes to whoever is first at offering consumers simple, complete phone service. Phone customers are tired of having [redacted] arate bills and companies for local an[redacted] distance, and would sign up with th[redacted]

company to offer inexpensive combined service. All the jockeying between the Bells and the long-distance firms is about determining who will get the first shot at combining local and long-distance plans.

The provisions that AT&T et al. succeeded in working into the original committee bill, H.R. 1555, would have placed a series of hazards and roadblocks in the way of the Bell companies, while leaving their path to the market wide open.

The most important of these was the requirement that a local Bell company have a "facilities-based" competitor in its market before being allowed to compete in the long-distance market. In other words, the local company would be blocked from offering long-distance service until some other company had come into its market and built a physical network of wires comparable to the network the local Bell already has in place. In practice, that would be a very, very long time.

Since the legislation also requires the Bells to sell time on their own networks to the long-distance companies at a discount so the time can be resold as part of a local and long-distance package. AT&T, MCI and Sprint would have no reason to build local networks of their own. They would have been able to use the Bell local networks to get into the local service business, while at the same time keeping the Bells from competing with them in the Long-distance business.

The Bells successfully fought that provision, arguing that the market should be opened for everybody all at the same time. So too a slew of other provisions that would also have hindered the Bells' entrance into the long-distance market. That entry is feared by a long-distance industry that appears to have a very cozy environment going for itself.

For all the television ads touting the cutthroat competition among AT&T, MCI and Sprint, it turns out that basic long-distance rates have been going up for the last couple of years, by more than 5 percent a year. More disturbing still, the big three companies, which account for more than 95 percent of the long-distance market, have raised their prices in lock step. This is a happenstance that will likely end once the various Baby Bells are able to bring a new round of competition into the long-distance market.

As for the long-distance companies' argument that the Bells will be able to use their "monopoly" position to dominate the market, it is a little hard to see how a financial behemoth like AT&T is going to be intimidated by a regional phone company. Given that the Bells will be required to discount their lines to the long-distance companies for resale, the Bells' local monopolies become meaningless.

The long-distance coalition plans to do everything it can to kill the telecom bill as it now stands—with the manager's amendment. No bill at all, from the big three's perspective, is almost as good as a bill written to their liking. The long-distance companies can get into the local phone business if local law allows, as it does in almost half the states. But it takes a change in federal law to allow the Baby Bells into the interstate business of long-distance. Nonetheless, the bill is expected to pass next week with the support of the House leadership and Mr. Bliley. That is good news for consumers, for whom the greater the competition, the better.

UNITED STATES RELATIONS WITH SOUTH KOREA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BERMAN. Mr. Speaker, last week the Congress met in joint session to welcome South Korean President Kim Yong-sam.

Four decades after the Korean war, South Korea enjoys a thriving economy and an open political system. Our security interests in Korea have been complemented by a growing American economic interest.

The moving dedication of the Korean War Memorial was testimony to the blood shed by Americans to ensure Korea's future and to our continued interest in Korean prosperity. Mr. Hamilton, ranking member of the International Relations Committee, recently spoke on the state of American-Korean relations at an Asia society meeting.

I commend Mr. Hamilton's remarks to my colleagues. His speech, "The U.S. and South Korea: A Successful Partnership," provides an insightful review of our mutual interests:

THE UNITED STATES AND SOUTH KOREA: A SUCCESSFUL PARTNERSHIP

(By Lee H. Hamilton)

I. INTRODUCTION

South Korea has been much on our minds of late. We watched with sorrow at the climbing casualty list from last month's tragedy in Seoul. We also celebrated with the South Korean people as survivors were miraculously pulled from the rubble of the collapsed department store.

South Korea captures our attention for other reasons, of course. The Korean peninsula presents some of the most challenging issues facing U.S. foreign policy. We are concerned about North Korea's nuclear program, the uncertainties of its leadership succession, and relations between South and North Korea.

Next week, we will welcome Korean President Kim Yong-sam to Washington. We will bestow upon him the honor of addressing a joint session of Congress. That is a true measure of the importance of our friendship with South Korea. Our countries have excellent bilateral relations, marked by a strong security alliance and broad economic ties.

II. SOUTH KOREA'S SUCCESS

South Korea is a great success story.

Consider Korea in 1945. It had been the victim of harsh colonialism for 50 years. The defeat of Japan brought not liberation, but division of the Korean nation along the 38th parallel. Families were torn apart. Customary patterns of trade, communication, and exchange were broken. Soviet occupiers ravaged the northern half of the country.

Five years later saw the resumption of warfare—all the more bitter because it was Korean against Korean. Armies surged up and down the peninsula, bringing death and devastation. Millions lost their lives. Tens of millions more were displaced.

The 1953 armistice brought no real peace. The peninsula remained divided. South Korea, the less prosperous half, was saddled with huge defense burdens to guard against future attack.

What a difference a few decades have made! South Korea is a thriving democracy. It is one of the world's most prosperous countries. Per capita income, which did not reach even $100 until the 1960s, is now nearly $10,000. South Korea is no longer a foreign aid recipient; it is a foreign aid donor. The World Bank points to South Korea to show how a country with few natural resources—other than its people—can transform itself in a generation from one of the poorest countries in Asia to one of the richest.

II. THE U.S.-KOREAN PARTNERSHIP

The Korean-American alliance is robust. It is a treaty commitment, but also a mature friendship built on shared commitments to democracy and free markets.

In fact, South Korea is a major success story for American foreign policy. A free and prosperous South Korea has contributed to peace and stability in a strategic corner of the world—where China, Russia and Japan intersect.

Korea also is a close partner and friend. We share a keen interest in regional stability, economic prosperity, and the control of weapons of mass destruction. Together, we seek to spread democracy and human rights to those Asian countries through which the winds of freedom have yet to sweep.

Nearly a quarter million Americans gave their lives in three Asian wars in the past half century for those objectives, but many times more Koreans died during that same bloody period. We are linked by bonds of common sacrifice.

One startling change in our relations has been the decline in anti-Americanism in Korea. It was not long ago that Korea saw widespread student demonstrations against the United States and frequent demands that U.S. troops be withdrawn. Today there is little of this discord.

The presence of 37,000 American troops in Korea is, as you might expect, an irritant from time to time. Crimes are sometimes committed against the civilian population, and South Korean critics complain that their court have only limited jurisdiction over U.S. servicemen and their dependents.

But by and large, the South Korean people and their government have grown accustomed to Americans: They are no longer controversial or distasteful. The alliance is viewed as mutually beneficial, a normal part of everyday existence. South Koreans, for example, were relieved earlier this year when the Clinton administration announced it would maintain a 100,000 troop level in East Asia.

III. THE U.S.-SOUTH KOREAN SECURITY ALLIANCE

I need not dwell on the reasons for the Korean-American security alliance. On the U.S. side, the stability of Asia is critical to our overall security and prosperity, and our security relationships with Korea and Japan are the linchpins of our presence in Asia.

For South Korea, the benefits are also clear. A hostile North Korea still stations two-thirds of its 1.2 million man army near the Demilitarized Zone. The North has enough artillery targeted on Seoul to reduce it to rubble. It has SCUD missiles and is developing longer-range ballistic missiles. Its dictators have committed terrorist acts. It has had, until recently, a secret nuclear weapons program flaunting the will of the international community.

This does not suggest the North could defeat the South in a war. But it does point out the dangers. The Korean peninsula remains the most dangerous flashpoint in Asia because of its location, North Korea's militarization, and the nature of its government. General Luck, the U.S. commander in Korea, estimates a war on the peninsula could claim a million lives and cost a trillion dollars. Thus, the money we invest in peace and stability on the Korean peninsula is prudent.

IV. ISSUES IN THE RELATIONSHIP

Let me turn to several key issues in the U.S.-South Korean relationship.